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JOURNAL

OF THE

SENATE,

OF THE

STATE OF TENNESSEE,

AT THE

TWENTY-FIRST GENERAL ASSEMBLY,

HELD AT NASHVILLE.

S. NYE & CO., RAMSEY & CRAIGHEAD,
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1835.

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JOURNAL

OF THE

SENATE,

FOR THE YEAR 1835–6.

General Assembly of the State of Tennessee, begun and held in the City of Nashville, on Monday the fifth day of October one thousand eight hundred and thirty-five,—being the first session of the twenty-first General Assembly of said State.

On which day (being that appointed by the Constitution) the following named Senators appeared, produced their credentials, and took their seats; the several oaths required by the Constitution being administered by his Hon. L. M. Bramlett, one of the Circuit Judges of this State, to wit:

From the District composed of the Counties of Carter, Sullivan and Washington, Joseph Powell,
Cocke, Jefferson, Blount and Sevier, Robert H. Hynds,
Greene and Hawkins, John McGaughey,
Grainger, Claiborne, Campbell Anderson and Morgan, David Rogers,
Roane and Knox, George Graves,
Monroe and McMinn, James H. Reagan,
Rhea, Bledsoe, Marion and Hamilton, Miles Vernon,
White, Overton, Fentress and Jackson, Hugh C. Armstrong,
Warren and Franklin, Josiah F. Morford,
Lincoln and Giles, William Moore,
Smith and Sumner, William Trousdale,
Bedford, Jonathan Webster,
Maury, Terry H. Cahal,
Rutherford, William Ledbetter,
Davidson, David Craighead,
Williamson, William G. Childress,
Lawrence, Wayne and Hickman, Boling Gordon,
Dickson, Stewart and Humphreys, James Gray,
Robertson and Montgomery, Willie B. Johnson,
Wilson, Benjamin T. Motley,

Henderson, Perry, McNairy and Hardin,	Henry H. Brown,
Henry, Weakly and Obion,	John D.Love,
Carroll, Gibson and Dyer,	James L. Totten,
Madison, Haywood and Tipton,	Wm. H. Henderson,
Hardeman, Fayette and Shelby,	J. C. N. Robertson.

The Senate proceeded, (viva voce) to the election of a Speaker, and after taking the vote under the provisions of the Constitution, it appeared that Jonathan Webster, the Senator from the County of Bedford, was duly elected; who was thereupon conducted to the Chair, and made his acknowledgements in the following words, (viz:)

Gentlemen of the Senate:

I pray you to accept my most grateful acknowledgements, and respectful thanks for the honor you have just conferred upon me. An honor which will be remembered by me with the profoundest sensibility during my earthly existence.

Having selected me to preside over your deliberations, I accept the trust, with an earnest hope, that the choice of the Senate may not prove injurious to its interests, or detrimental to the despatch of the important business for which we are assembled. And having no claim to infallibility, I trust you will kindly overlook and pardon such errors as I may fall into, as emanating from the head and not from the heart.

Should I be found in difficulties, (which will no doubt often happen) in relation to parliamentary usages and customs, I beg in advance your friendly and timely aid. In the discharge of the several duties as presiding officer, I can promise but little else than zeal and fidelity in pursuing the course which duty may direct.

In conclusion, gentlemen, permit me to say, that it is my prayer, that we may deliberate as a band of brothers, for the good of our common country, and that measures, not men, be our constant motto.

After which the Senate proceeded in like manner to the election of a Principal Clerk, and there being no opposition, Wm. K. Hill was elected, *nemine contra decente;* whereupon an oath of office, was administered by L. M. Bramlett Esq., Judge of the 6th Judicial Circuit of this State; who thereupon took his seat at the Clerk's table.

The Senate next proceeded to the election of an assistant Clerk, and after sixteen unsuccessful trials, Mr Morford moved a suspension of said election; which motion prevailing, the Senate thereupon proceeded to the election of a Door Keeper, and on taking the vote the twentieth time, it appeared that Samuel P. Tipton was duly and constitutionally elected, who was thereupon ordered to give his attendance accordingly.

On motion of Mr McGaughey, it was ordered that the Editors of the several papers printed in the City of Nashville, be invited to occupy seats within the bar of the Senate.

And then the Senate adjourned.

TUESDAY MORNING, OCTOBER 6th, 1835.

Mr Cahal submitted the following:

Resolved, That the rules adopted by the last Senate, be taken and adopted as the rules for the government of the present Senate, until they are altered or others adopted—said resolution was read and adopted.

Mr Cahal presented the return of the Clerk of the Circuit Court of Maury County, and also the return of the Clerk & Master of the Chancery Court at Columbia, shewing the amount of taxes by them collected and paid over to the Treasurer of West Tennessee.

Mr Robertson presented the return of the Clerk & Master of the District Chancery Court, giving a tabular statement of the taxable property, and the taxes thereon by him collected, from the 10th day of September 1834, to the 29th of September 1835. The return of the Clerk of the county Court of Hardeman county, shewing the aggregate amount of taxable polls and property given in and listed for taxation in said county, for the year 1834—And also, the report of the Commissioners appointed by said county, to settle with said Clerk.—All of which were ordered to the table.

Mr Moore submitted the following:

Resolved, That the Secretary of State be requested to furnish this General Assembly with the acts and journals of the several preceeding Legislatures of the State, and that he also furnish each House with a copy of Haywood & Cobb's Revisal.—And Mr Graves the following:

Resolved, That a select committee be appointed to contract for the job printing for the use of the Senate; and the rule requiring resolutions to lie one day on the table being suspended, said resolutions were severally read and adopted.

The Speaker appointed Messrs Graves, Johnson and Powell the committee to contract for job printing.

Mr McGaughey submitted the following:

Resolved, By the General Assembly of the State of Tennessee, that the Senate meet the House of Representatives, in their Hall on Wednesday the 7th inst., for the purpose of electing a Senator to the Congress of the United States.

On motion of Mr McGaughey, the Senate resumed the election of an engrossing Clerk, and on taking the vote the twenty-seventh time, it appeared that Archelaus M. Hughes was duly and constitutionally elected. An oath of office was thereupon administered to the said Clerk, by Joseph W. Horton Esq., an acting Justice of the Peace for the county of Davidson.

On motion of Mr Childress, it was ordered, that the Reverend James Axley, and the Reverend James Smith be invited to seats within the bar of the Senate.

On motion of Mr. Gray, it was ordered, that the Clerk inform the House of Representatives that a quorum of the Senate have assembled, organized, and are ready to proceed to business.

Mr. McGaughey submitted the following:

Resolved, That a select committee of two be appointed, to join such committee as may be appointed on the part of the House of Representatives whose duty it shall be to wait on his excellency, the Governor, and inform him, that the General Assembly are now ready to receive any communication he may think proper to make them; and the rule being suspended, said resolution was adopted. The Speaker appointed Mr. McGaughey and Mr. Craighead said committee.

Mr. Gray submitted the following:

Resolved, That a select committee be appointed to contract for stationery for the use of the Senate during the present session; and the rule being suspended, said resolution was adopted. The Speaker appointed Mr. Gray, Mr. Childress and Mr. McGaughey the said committee.

Mr. Vernon submitted the following:

Resolved, By the General Assembly of the State of Tennessee, that there be a joint committee appointed, on new counties and county lines, and the rule being suspended, said resolution was adopted. The Speaker appointed Mr. Vernon, Mr. Gray, Mr. Childress and Mr. McGaughey to be of said Committee. Ordered that the Clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Brown submitted the following:

Resolved, That a committee of five be appointed to draft rules for the government of the Senate; and the rule being suspended, said resolution was adopted. The Speaker appointed Messrs. Brown, Ledbetter, Childress, Moore and Cahal the said Committee.

Mr Ledbetter moved a re-consideration of the vote adopting the resolution of Mr Gray, appointing a committee to contract for stationery; which motion prevailing, Mr Hynds offered the following in lieu:

Resolved, That the Clerk of the Senate under the direction of the Speaker, be authorised and instructed to contract for stationary for the use of the Senate during the present session—which was accepted and adopted.

Message from the House of Representatives, by Mr. Mitchell, their Clerk—

Mr. Speaker—I am directed to inform the Senate, that a quorum of the House of Representatives did, on yesterday, assemble in pursuance of the Constitution of the State of Tennessee.—They have chosen Ephraim H. Foster, one of the Representatives from the county of Davidson, their Speaker, Stokley D. Mitchell their Clerk, Henry C. Walker their assistant Clerk, Jabez G. Mitchell their Door Keeper, and Pleasant M. Hornbeak their Assistant Door Keeper, and are ready to proceed to business—and then he withdrew.

Mr Cahal moved the Senate to take up and consider the Resolution of Mr McGaughey proposing to go into the election of a Senator to the Congress of the United States, on Wednesday next, which motion prevailing, Mr Cahal moved to amend, by striking therefrom the words

"Wednesday next at 11 o'clock, A. M.," for the purpose of inserting the words "this evening at 4 o'clock;" which motion prevailing, the said amendnent was made, the rule suspended, and the resolution adopted.

Ordered that the Clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A message from the House of Representatives by Mr. Mitchell, their Clerk—

Mr. Speaker—the House of Representatives concur in your resolution to go into the election of a Senator to the Congress of the United States on this day, at 4 o'clock, P. M., and are now ready to receive the Senate for the purpose of going into said election—and then he withdrew. Whereupon the Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives and thereupon the two Houses proceeded, (*viva voce,*) to the election of said officer. The Honorable Hugh L. White being nominated by Mr. Mabry, the Representative from Knox, the Senators who voted for White are Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—25. The vote being continued until the sense of the House of Representatives was thereon had, it was declared by the Speaker of the Senate (in presence of both branches of the General Assembly,) that Hugh Lawson White of the county of Knox was duly and constitutionally elected, *nemine contra decente,* a Senator to the Congress of the United States, from this State, for six years, from and after the 4th day of March, 1835. And thereupon, on motion of Mr. Love, the Speaker and gentlemen of the Senate returned to their own chamber.

And then the Senate adjourned.

WEDNESDAY, OCTOBER 7th, 1835.

Mr. Hynds presented the return of the Clerk of the County Court of Sevier County, for the years 1833 and 1834—Also, returns shewing the number of captain's companies in Jefferson county—The amount of taxable property and polls in Jefferson county, chargeable to the Sheriff of said county, for the years 1833 and 1834—And also the amount of public taxes received by the Clerk in Jefferson County for the years 1833 and 1834. All of which were ordered to the table.

Mr McGaughey, from the joint select committee appointed to wait upon his Excellency the Governor, and inform him that the General Assembly were ready to receive any communication he might think proper to make, reported, that the committee had performed the duties assigned them, and that his Excellency would send his written message to both branches of the General Assembly on this day.

Mr Ledbetter submitted the following:

Resolved, That the hour of meeting in the Senate in the forenoon, shall be nine o'clock; in the afternoon, three o'clock, until otherwise ordered—and

Mr Brown the following:

Resolved, That the committee appointed to draft rules for the government of the Senate, shall be a committee to act with such committee as may be appointed by the House of Representatives to draft rules regulating the intercourse between the two Houses; and the rule being suspended, said resolutions were adopted.

Mr. Powell submitted the following:

Resolved, By the General Assembly of the State of Tennessee, that the Senate meet the House of Representatives, in their Hall, on Saturday the 10th inst., for the purpose of electing a Secretary of State.

Mr. Moore introduced A bill giving the further time of two years for making surveys and obtaining grants thereon; which was read a first time and passed.

Received from his Excellency the Governor, by Daniel Graham Esq. Secretary of State, the following communication, to wit:

Fellow Citizens of the Senate
and of the House of Representatives:

Believing that the Governor elect would be qualified into office, and enter upon the Executive duties in a few days after the organization of the General Assembly, I have deemed it most respectful not to present my views on any subject relating to the interest of the State which would have to be acted on after I had ceased to be in office.

Very Respectfully,
WM. CARROLL.

EXECUTIVE OFFICE,
Nashville Tennessee. } 7th Oct., 1835.

Mr Gray submitted the following:

Resolved, That the following standing committees be appointed, to wit: Committees on Privileges and Elections—on the Judiciary—on Education and Common Schools—on the Penitentiary—on Enrollments—on the Militia—on Internal Improvement—on Public Printing—and a select committee on Finance—and on Claims and Appropriations. And also the following—

Resolved That the Senate meet the House of Representatives in their Hall, on Saturday the 10th inst., for the purpose of comparing the votes given for Governor at the last general election of the State.

Mr. Cahal the following:

Resolved, By the General Assembly of the State of Tennessee, that in all elections to be made by the General Assembly, each House shall vote in its chamber, and inform the other House of the result by Message.

Mr Vernon the following:

Resolved, That a select committee be appointed to examine maps and memorials, and report to the Senate whether any and if any, what new county territory has been brought within the provisions of the con-

stitution, in this state, and that said committee have leave to report by bill or otherwise. And

Mr. Morford the following:

Resolved, By the General Assembly of the State of Tennessee, that a joint select committee be appointed to examine into the state and condition of the Union Bank of the State of Tennessee, and also the Planter's Bank.

On motion of Mr. Ledbetter, the resolution submitted by Mr. Gray proposing to meet the House of Representatives in their Hall on the 10th inst. for the purpose of comparing the votes for Governor, was taken up, and the rule being suspended, said resolution was read and rejected.

Mr. Hynds introduced A bill to appoint additional commissioners to Wm. P. Gillet's turnpike road, in Cocke county, which was read the first time and passed.

And then the Senate adjourned.

THURSDAY, OCTOBER 8th, 1835.

Mr. McGaughey presented the petition of sundry citizens of Greene county, praying the passage of a law establishing a precinct election at the house of Stephen Johnson—and

Mr. Ledbetter the return of the Clerk of the Circuit Court of Rutherford County, for the year ending 1st of October, 1833, and for the year ending 1st October, 1834; both of which were ordered to the table.

Mr Brown, from the select committee to whom was assigned the duty of drafting and reporting rules for the government of the Senate, submitted the following, to wit:

Rules and orders for conducting business in the Senate of the General Assembly of the State of Tennessee.

TOUCHING THE DUTY OF THE SPEAKER.

1ST. He shall take the Chair every day precisely at the hour to which the Senate stands adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2D. He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose; shall decide questions of order, subject to appeal to the Senate by any two members, on which appeal no member shall speak more than once, unless by leave of the Senate.

3D. He shall rise to put a question, but may state it standing.

4TH. Questions shall be directly put in this form, to wit: as many as are of opinion that (as the question may be) say aye—and after the af-

firmative voice is expressed, as many as are of a contrary opinion say no. If the Speaker doubts, or a division be called for, the Senate shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5TH. The speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Senate chamber. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond one adjournment.

6TH. All committees shall be appointed by the speaker, unless otherwise specially directed by the Senate, in which case, they shall be appointed by the Senate, viva voce, and if upon the first time of voting, there is no election, there shall be a second voting, in which a pleurality of votes shall prevail.

7TH. In all other cases a majority of the votes given shall be necessary to an election.

8TH. In all elections the speaker shall vote, in other cases he shall not vote unless the House be equally divided, or unless his vote if given to the minority will make the division equal, and in case of such equal division the question shall be lost. All acts, addresses and joint resolutions shall be signed by the speaker, and all writs, warrants and subpœnas issued by order of the Senate, under his hand and seal, attested by the clerk,

9TH. In case of any disturbance or disorderly conduct in the lobby, the speaker, or chairman of the committee of the whole, shall have the power to order the same to be cleared.

10TH. Stenographers wishing to take down the debates, may be admitted by the speaker, who shall assign such places to them on the floor, to effect their object, as shall not interfere with the convenience of the Senate.

ORDER OF THE BUSINESS OF THE DAY.

11TH. As soon as the Journal is read, the speaker shall through the clerk, call for petitions from the Senators by Districts, beginning with the most eastwardly and progressing westwardly. Tax returns, &c. may be presented in the same way.

12TH. No member shall speak to another or otherwise interrupt the business of the Senate, or read any newspaper while the Journals or public papers are reading, or when any member is speaking in any debate.

13TH. Every member when he speaks, shall address the chair, standing in his place, and when he has finished shall sit down.

14TH. No member shall speak more than twice in any one debate without leave of the Senate.

15TH. When two or more members rise at the same time to speak, the speaker shall determine who has the floor, but in all cases the member who shall first rise and address the chair, shall speak first.

16TH. When a member shall be called to order by the speaker or a

Senator, he shall sit down, and every question of order shall be decided by the speaker without debate, subject to an appeal to the Senate, and the speaker may call for the sense of the Senate on any question of order.

17TH. If the member called to order by a Senator, for words spoken, the exceptionable words, shall immediately be taken down in writing, that the speaker may be better enabled to judge of the matter.

18TH. No member shall absent himself from the service of the Senate without leave first obtained, and in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the doorkeeper or any other person, or persons, by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for nonattendance shall be made, as the Senate when a quorum is convened, shall judge sufficient.

19TH. No motion shall be debated until the same be seconded.

20TH. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the speaker or any member, delivered in at the table and read, before the same shall be debated.

21ST. When a question is under debate, no motion shall be received, but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order and be decided without debate.

22ND. If the question in debate contains several points, any member may have the same divided, but on a motion to strike out and insert, it shall not be in order to move for a division of the question, but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion simply to strike out, nor shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

23D. In filling up blanks, the largest sum and longest time shall be first put.

24TH. When the reading of a paper is first called for and the same is objected to by any member, it shall be determined by a vote of the Senate without debate.

25TH. When the yeas and nays shall be called for by two members, each member called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically.

26TH. When the ayes and noes shall be taken upon any question in pursuance of the above rules, no member shall be permitted under any circumstance whatever to vote after the decision announced from the chair.

27TH. No motion shall be deemed in order to admit any person or persons whatsoever, within the doors of the Senate chamber to present any petition, memorial or address, or to hear any such read.

28TH. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment or motion upon which the vote was taken shall have gone out of the possession of the Senate announcing their decision, nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.

29TH. Before any petition or memorial addressed to the Senate shall be received and read at the table, a brief statement of the contents of the petition or memorial, shall be verbally made by the introducer.

30TH. Every bill shall be introduced by motion for leave, or by an order of the Senate on the report of a committee, and in either case, a committee to prepare the same shall be appointed. And all bills shall be dispatched in order as they were introduced, unless where the Senate shall otherwise direct.

31ST. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, shall this bill be rejected? If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

32ND. Before the second reading of the bill, the speaker shall state it as ready for commitment or engrossed, and if committed, then the question shall be whether to a select or standing committee, or to a committee of the whole. If to a committee of the whole, the Senate shall determine on what day. But if the bill be ordered to be engrossed the Senate shall appoint the day when it shall be read the third time.

33D. After commitment and report thereof to the Senate, or at any time before its passage a bill may be recommitted.

34TH. All bills ordered to be engrossed shall be executed in a fair round hand.

35TH. No amendment by way of rider, shall be received to any bill on its third reading.

36TH. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

37TH. Bills coming from the House of Representatives shall have precedence of bills in the Senate on the same subject.

38TH. In forming a committee of the whole, the speaker shall leave the chair, and a chairman be appointed by the speaker, to preside in committee.

39TH. Upon bills committed to a committee of the whole, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee and so reported to the Senate; after report, the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken.

40th. All amendments made to an original motion in committee, shall be incorporated with the motion, and so reported.

41st. All amendments made to a report committed to a committee of the whole shall be noted and reported as in case of bills.

42nd. All questions, whether in committee or in the Senate, shall be propounded in the order in which they were moved, except that in filling up blanks.

43rd. No motion or proposition for a tax or charge upon the people, shall be discussed the day in which it is made or offered, and every such proposition shall receive its first discussion in a committee of the whole.

44th. All proceedings touching appropriations of money, shall be first discussed in committee of the whole.

45th. The rules of the Senate shall be observed in committee of the whole so far as applicable, except the rules limiting the time of speaking. But no member shall speak twice to any question until every member choosing to speak, shall have spoken.

46th. No standing rule or order of the Senate shall be rescinded or changed, without one day's notice being given of the motion thereof. Nor shall any rule be suspended except by a vote of at least two thirds of the members present.

47th. It shall be in order for the committee on enrolled bills to report at any time.

48th. Messages shall be sent to the House of Representatives by the clerk of the Senate or by a committee.

49th. Messages may be introduced in any state of business, except while a question is putting, while the ayes and noes are taking or while voting in an election.

50th. There shall be standing committees, and as many select committees as the Senate in its pleasure may direct. The following are the standing committees, to wit:

1. A committee of Privileges and Elections.
2. " " " Ways and Means.
3. " " " Finance.
4. " " " Claims.
5. " " " Education and Common Schools.
6. " " " Judiciary.
7. " " " Internal Improvement.
8. " " " Military Affairs.
9. " " " New Counties and County lines.
10. " " " Public Lands.
11. " " " Penitentiary.
12. " " " Banks.
13. " " " Enrolled Bills.

51st. It shall be the duty of the committee of elections to examine and report upon the certificates of election, or other credentials of the members returned to serve in the Senate, and to take into their consideration all such petitions or other matters touching elections or

returns, as shall or may be presented or come into question and be referred to them by the Senate.

52nd. The committee of ways and means shall have the consideration of all such propositions touching the revenue and the assessment of taxes, as may be referred to them; they shall enquire into the state of the public debt and the public revenue, and report from time to time thereon.

53d. The committee of Finance shall take into consideration the account of the state Treasurers; they shall settle with the state Treasurers, also report from time to time such provisions as may be necessary to add to the economy and accountability of that department.

54th. The committee of Claims shall take into consideration all such petitions, matters and things touching claims or demands against the State, as shall be reported to them, and report their opinion thereon with such propositions of relief as to them shall seem expedient.

55th. The committee on Education and Common Schools, shall take into consideration a system of Common Schools. They shall examine and report the situation of the Common School fund, the best means of securing and increasing the same, and such other matters and things touching Common Schools and the Common School fund, as shall be referred to them by the Senate.

All of which is respectfully submitted.

H. H. BROWN, Chairman.

On motion of Mr. Gordon, *Ordered*, That fifty copies of the foregoing be printed. Mr. Brown from the joint select committee appointed to draft rules for the government of the intercourse between the two branches of the General Assembly, reported the following, to wit:

1. In every case of amendment of a bill agreed to in one house and dissented to in the other, if either house shall request a conference and appoint a committee for that purpose, and the other house shall also appoint a committee, such committees shall at a convenient hour, to be named by their chairman, meet in conference and state to each other verbally or in writing as either shall choose, the reasons of their respective houses for or against the amendment, and confer freely thereon.

2. Messages shall be sent by a clerk.

3. When a messenger shall be sent from the House of Representatives to the Senate, he shall be announced at the door of the house by the door keeper, and he shall respectfully communicate his message to the chair.

4. The same ceremonies shall be observed when a messenger is sent from the Senate to the House of Representatives.

5. All bills on passage between the two houses shall be under the signature of the clerk.

6. Bills shall be enrolled by the clerk of the Senate or the clerk of the House, as the same may have originated in the one or the other house.

7. The committees on Enrollments, on Finance, on Banks and on the Penitentiary, of both Houses shall be joint committees.

8. After examination and reports, bills shall be signed first by the speaker of the House of Representatives and then by the speaker of the Senate.

9. When a bill or resolution passed in one house is rejected in the other, notice thereof shall be given to the house in which it passed.

10. Each house shall transmit to the other, all papers upon which any bill or resolution shall be founded.

11. All bills which may have passed a third reading, shall be engrossed in a fair hand, and certified by the clerk of the house in which they may have originated, before being sent to the other.

All of which is most respectfully submitted.

H. H. BROWN, Chairman.

On motion of Mr. Gordon, it was *Ordered*, That fifty copies of the foregoing report be printed for the use of the Senate.

Mr. Graves from the committee appointed to contract for job printing, reported that the committee have contracted with the Editors of the Whig and Banner, to execute the job printing of the Senate on the following terms, to wit:

Composition per 1000 ems - - - - -	$1 12 1-2.
Press work per token - - - - -	1 12 1-2.
Rule and figure work - - - - -	2 25
Part plain and part ruled or figured - - -	1 68 3-4.

The committee further report that they are informed that the committee of the House of Representatives, have contracted with the Editors of the Republican to execute the job printing for the House. And in order to expedite business, have thought it best to contract with the Editors of the Whig and Banner, both performing the work at the same price.

All of which is respectfully submitted.

GEORGE GRAVES, Chairman.

Said report was concurred in.

Mr. Hynds moved a reconsideration of the vote of yesterday, rejecting the resolution of Mr. Gray, proposing that the Senate meet the House of Representatives in their Hall on Saturday next, for the purpose of comparing the votes given for Governor, at the last general elections, which motion prevailing, the said resolution was taken up read and adopted. *Ordered*, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

And thereupon the Senate adjourned.

FRIDAY, OCTOBER 9th. 1835.

Mr. Powell's resolution of Wednesday last, to meet the House of Representatives in their hall on Saturday next, for the purpose of electing a Secretary of State, was on his motion taken up, read and on motion of Mr. Hynds, again laid upon the table.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. Speaker: The House of Representatives have read and passed a third and last time, A bill giving further time for surveying entries north and east of the Congressional reservation line and north of Tennessee.

The House concur in the Senate's resolution to meet in their hall on Saturday next for the purpose of comparing the votes given for Governor at the last general election, and then he withdrew. Whereupon the said bill was read a first time and passed.

On motion of Mr. Moore, the Senate took up the bill giving further time for making surveys and obtaining grants thereon, and after some discussion had thereon, the said bill was on motion of Mr. Love, ordered to the table.

Mr. Powell introduced a bill to repeal part of an act, entitled an act to amend the several acts of the General Assembly, relative to property exempt from execution, passed November 26th, 1833.

Mr. Vernon, A bill giving further time to the purchasers and enterers of land in the Hiwassee District, to obtain grants thereon.

And Mr. Craighead, A bill to amend an act entitled an act to establish the Planter's Bank of Tennessee, passed November 15th, 1833. All of which were severally read a first time and passed.

Mr. Hynds submitted the following: *Resolved*, That a select committee of three be appointed for the purpose of enquiring what number of charters are now in existence in this State, authorizing the sale and vending of lottery tickets, and at what time they expire.

A bill to appoint additional commissioners to William P. Gillett's Turnpike road in Cocke county, was taken up read a second time and passed.

And then the Senate adjourned.

SATURDAY, OCTOBER 10th, 1835.

On motion of Mr. Love, the Bill from the House of Representatives, giving further time for surveying entries north and east of the Congressional reservation line and north of Tennessee river, was taken up and read. Mr. Love offered the following as an amendment thereto, to wit:

SEC. 2. *Be it further enacted*, That the further time of two years and until the rise of the next General Assembly of this State, be given for making surveys and obtaining grants on entries made under the act of 1819, chap. 1. and the acts subsequent thereto, made in the land offices of this State, south and west of the Congressional reservation line.

Mr. Graves offered the following proviso as an additional amendment thereto, to wit: Provided that all entries made under the act of 1829, north and east of the congressional reservation line, shall be sur-

veyed in twelve months, or they shall be void to all intents and purposes, as though they had never been made.

On motion of Mr. Gordon the said bill together with the proposed amendments thereto were ordered to the table.

A message from the House of Representatives by Mr. Mitchell their Clerk.

Mr. Speaker—The House of Representatives are now ready to receive the Senate for the purpose of comparing the votes given for Governor at the last general elections of this State.

And then he withdrew.

Whereupon the speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives, & thereupon the following returns from the counties herein specified, were broken and announced in pursuance of the provisions of the constitution, to wit: from the county of

Counties.	Cannon.	Carroll.	Humphries.
Hawkins,	1087	680	18
Grainger,	1119	143	12
Campbell,	564	137	1
Jefferson,	1410	219	11
Claiborne,	820	163	4
Carter,	974	121	88
Greene,	1422	573	145
Sullivan,	339	571	374
McNairy,	525	554	14
Sevier,	689	55	101
Fayette,	556	522	221
Shelby,	572	335	37
Hardeman,	577	676	102
Anderson,	469	188	27
Hardin,	506	336	16
Monroe,	1311	464	131
Cocke,	610	162	13
McMinn,	1599	587	85
Dyer,	253	26	68
Blount,	988	75	583
Roane,	788	75	650
Obion,	209	167	113
Haywood,	682	272	125
Tipton,	498	243	93
Carroll,	635	796	81
Henry,	766	853	150
Lincoln,	726	1727	338
Franklin,	254	1514	182
Madison,	1441	247	31
Perry,	362	630	46
Fentress,	249	219	46
Bledsoe,	459	191	149

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Counties.	Cannon.	Carroll.	Humphries.
White,	528	885	62
Wayne,	261	606	24
Williamson,	1429	990	37
Gibson,	925	217	224
Weakley,	292	608	95
Marion,	425	87	282
Henderson,	622	810	58
Hamilton,	296	112	75
Stewart,	232	561	161
Bedford,	1592	1172	387
Humphreys,	262	522	197
Dickson,	380	377	80
Lawrence,	116	780	20
Warren,	607	1601	3
Rutherford,	1820	961	29
Sumner,	909	1007	98
Wilson,	1307	1215	102
Robertson,	146	967	124
Knox,	1566	502	87
Davidson,	757	1427	408
Overton,	403	427	294
Rhea,	424	430	255
Montgomery,	219	549	556
Washington,	956	712	23
Hickman,	417	560	85
Maury,	1512	1564	178

Making in all for Cannon for Carroll for Humphries,

Upon which it was announced by the speaker of the Senate, that Newton Cannon, of the county of Williamson, was duly and constitutionally elected Governor, in and over the State of Tennessee, for the ensuing two years. Whereupon, the speaker and gentlemen of the Senate returned to their own chamber.

A message from the House of Representatives by Mr. Mitchell their clerk.

Mr. Speaker: The House of Representatives have adopted a resolution appointing a joint select committee, to wait upon the Governor elect, and inform him that it is the pleasure of the General Assembly, to qualify him on Monday next, at 11 o'clock, A. M. and have appointed on their part, Mssrs. Gentry, Hancock, Boddie, Rogers of Carroll and Brown, in which they ask the concurrence of the Senate. And then he withdrew. Whereupon the said resolution from the House of Representatives, was read and concurred in. The speaker appointed Mr. Armstrong, Mr. Gray and Mr. Henderson to be of said committee on the part of the Senate.

Mr. Gordon presented the return of the clerk of the Supreme Court at Centreville, shewing the amount of taxes paid over to the Treasurer

of West Tennessee, by him, for the years 1833 and 1834, which was ordered to the table.

A bill to appoint additional commissioners to William P. Gillets turnpike road in Cocke county, was taken up on a third reading, and the question, shall the bill pass, being had thereon, it was determined in the affirmative, by a unanimous vote upon the ayes and noes.

Mr. Hynd's resolution of Friday last appointing a select committee of three, to enquire into the number of charters now in existence, authorizing the vending of Lottery tickets, and for other purposes, was taken up read and adopted. The speaker appointed Mr. Hynds, Mr. Craighead and Mr. Robertson the said committee.

Mr. Totten submitted the following resolution and preamble, to wit:

Whereas the Senate of the United States on the 28th of March 1834, adopted the following resolution: *Resolved*, That the President in the late Executive proceedings in relation to the public revenue, has assumed upon himself, authority and power, not conferred by the constitution and laws, but in derogation of both. And whereas also in the opinion of this General Assembly, the said resolution is illegal and unjust, of evil example, indefinite and vague, expressing a criminal charge without specification and was irregularly and unconstitutionally adopted by the Senate, in subversion of the rights of defence which belong to an accused and impeachable officer, and at a time and under circumstances to involve the political rights and pecuniary interests of the people of the United States in serious injury and peculiar danger. And whereas also in the opinion of this General Assembly, the conduct of the President in the said Executive proceedings in relation to the public revenue, was well warranted and authorized by the constitution and laws of the United States and was just and politic under the circumstances of the case. And whereas also in the opinion of this General Assembly the Senate of the United States, under the constitution thereof, has no authority to originate or pass a resolution criminating an impeachable officer, and that the adoption of the said resolution by the Senate is an usurpation on their part and a gross violation of the rights of the people of the United States. Therefore,

Resolved, By the General Assembly of the State of Tennessee, that the Senators in Congress from this State be instructed and required to use all fair and honorable exertions to cause the aforesaid obnoxious and unconstitutional resolution to be so crossed and marked on the Senate's Journal, as to indicate, that it is to be considered cancelled, expunged and held for naught from the beginning.

Mr. Cahal moved to adjourn until Monday morning next, and the question thereon being had, it was determined in the negative, ayes 9. noes 16. The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Moore, the affirmative voters are, Messrs. Cahal, Henderson, Hynds, Love, Motley, Robertson, Rogers, Totten and Trousdale, 9. The negative voters are Messrs. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Johnson,

Ledbetter, McGaughey, Moore, Morford, Powell, Reagan and Vernon, 16.

Mr. Armstrong from the joint select committee appointed to wait upon the Governor elect, and inform him that it is the pleasure of the General Assembly to qualify him on Monday next, reported that the committee had performed the duties assigned them, and that the committee had received for answer, that his Excellency would attend on the day appointed, for the purpose of receiving his inauguration.

On motion of Mr. Moore, the report of the select committee, appointed to draft and report Rules for the government of the Senate, was taken up and read.

On motion of Mr. Graves, it was ordered, that the 8th rule be stricken therefrom.

The 14th rule thereof was amended on motion of Mr. Childress, by adding thereto, after the word "place" in the first line, the following: "And shall confine himself to the question under debate, and avoid personalities.

The 12th section thereof, was amended on motion of Mr. Gray, by adding thereto the following: "Reports from standing committees shall be next in order after petitions and tax returns according to the order in which they are named. Reports from select committees shall be next in order, according to the order in which they are raised."

The 22d section was amended on motion of Mr. Cahal, by inserting therein, the words, "the previous question."

On motion of Mr. Love the 31st section was amended by striking therefrom the words, "and in either case. a committee to prepare the same shall be appointed."

Mr. Graves moved to strike from said report the 32d section thereof, which motion was rejected.

On motion of Mr. McGaughey the 36th section was amended by adding thereto the following: "Nor shall any amendment be allowed to a bill upon any reading foreign to its subject-matter."

The 51st. section was amended on motion of Mr. Hynds by adding, "committee on Propositions and Grievances."

The said report was further amended by Mr. Armstrong, by adding to the 57th section thereof, the following: "When a bill is withdrawn for amendment the same shall be returned in three days thereafter."

Mr. Cahal offered the following as an additional rule, to wit: The previous question shall be in this form, "shall the main question be now put." It shall only be addmitted when demanded by a majority of the members present, and until it is decided, shall preclude all amendment and further debate on the main question. Which amendment was accepted.

On motion of Mr. Gordon, the 49th section was stricken out. The said report was thereupon read as amended and concurred in.

The report of the jointselect committee to draft and report rules for the government of the intercourse between the two branches of the

General Assembly, was on motion of Mr. Ledbetter, taken up, read and concurred with.

And then the Senate adjourned.

MONDAY, OCTOBER 12th., 1835.

Mr. Armstrong introduced a bill to establish a Treasury department in the Mountain district, which was read a first time and passed.

Mr. Cahal submitted the following Preamble and Resolutions, to wit:

WHEREAS, the people of the State of Tennessee in 1822, in 1825, and again in 1827, animated by a sincere determination to support those cardinal doctrines and principles, which had distinguished the true republican party from the commencement of the Federal Government up to that period, and also to correct and reform those practices which appeared to be erroneous and to constitute abuses in the policy and administration of the government, brought forward General Andrew Jackson, our present distinguished Chief Magistrate, as a person qualified by his principles, energy and great popularity, to effect those objects. —And *whereas*, among the most important of those objects were—1st. To secure to the people the exercise of the right of suffrage in the election of the President of the United States, independent of the influence and dictation of caucus nominations. 2d. To resist the establishment of the practice of electing the President of the United States according to any plan of regular succession among the great functionaries of the government. 3d. The limitation and control of executive patronage within such safe and expedient bounds as to secure the freedom and purity of the elective franchise against all undue official influences.—And *whereas*, we are firmly persuaded that the principles upon which General Jackson was originally nominated and supported for the Presidency by the people of the State of Tennessee, have lost nothing of their truth or importance by the lapse of time and change of circumstances, we feel impelled by a proper regard for consistency, now, when again called upon to reconsider them in reference to the choice of a successor, to re-affirm them by a renewed and solemn declaration.

In the organization and proceedings of the late Baltimore Convention we perceive the same violation of the spirit of the Constitution, the same tendency to a usurpation of the rights and power of the people in the election of President, the same spirit of intrigue, the same liability in the members to be corrupted and influenced in their course by the promise and expectation of office, which we saw in the organization and proecedings of the Congressional caucus in 1823, and then condemned in the most public and solemn manner.

An alarming aggravation of the evils which were threatened by the former caucus system was manifested in the late Baltimore Convention, in the fact that the most conspicuous, active and efficient members of it

were either holders of office under the government, or were notoriously expectants of office.

We still regard the growth and probable consequent abuse of executive patronage as one of the most imminent dangers which threaten to undermine and overthrow our Constitution and liberties; and we therefore believe that great vigilance and energy are always required to check and control it; and that the practice of specific appropriations, as recommended by Jefferson, and approved by Congress, should never be departed from.

And *whereas*, there is just reason to apprehend that a new party is forming in the United States which supports the doctrine, that a difference of political sentiment is a sufficient cause of itself to change or remove from office, all office-holders under the general government, except those who are, by the constitution, placed beyond executive control, and which seeks, by connecting this practice with the system of nominations to office by conventions and caucuses, to secure to themselves the permanent possession of the honors, power and patronage of the government; we think proper to declare, that, in the opinion of the members of this General Assembly, all public offices are created and designed for the public good and public service, and not for the support, gratification or recompense of the holders, for any former service, however meritorious, much less as a recompense for party services, which are often of a nature injurious to correct principles and public morals; that it would be an abuse of the appointing power to discharge any officer from the public service, except the heads of the principal administrative departments of the government, merely because his political opinions do not accord with the opinions of those in power.

Nothing would tend more directly to lower the standard of public sentiment, to debase the motives to public service and employments, and consequently to undermine effectually that foundation of virtue upon which the structure of our free and glorious form of government was reared by our ancestors, than such a system of rewards and punishments for partizan services and for opinion's sake: and it is our firm conviction, that the condition of dependence of more than fifty thousand persons, office-holders. agents and contractors in the service of the United States, upon the will of any one man, which such a system would create, would lead to a state of things incompatible with the existence of free government. We, therefore, feel ourselves called upon by an imperative and sacred regard for those rights and liberties which it is our greatest happiness and glory to have received from our ancestors, to oppose by every honorable and constitutional means in our power, the rise and progress of a party which threatens to put in practice a system of policy so uncongenial with our feelings as men, and so dangerous to our rights as citizens.

And *whereas*, no individual has been presented to the consideration of the American People, as a candidate for the next Presidency, whose character and political opinions afford the same guaranty for the maintenance of those principles which brought Gen. Jackson into office, and

for carrying out the principal measures of his administration, and which so well accord with the political sentiments of the people of Tennessee, as set forth in this preamble, as our fellow citizen HUGH LAWSON WHITE—therefore,

Resolved, That HUGH LAWSON WHITE be recommended to the people of the United States, as a man eminently qualified to fill the office of President.

Resolved, That we approve generally of the principles and policy, both foreign and domestic, of the administration of the Federal Government during the term of service of our present distinguished Chief Magistrate, General Andrew Jackson.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to maintain the principles and doctrines set forth in the foregoing preamble, and particularly that they observe as sound and inviolate the principles laid down by General Jackson, in his first Inaugural Address, upon the subject of executive patronage, and that they give him a prompt and decided support in all measures having for their object "the correction of all abuses which may bring the patronage of the Federal Government into conflict with the freedom of elections."

Mr. Craighead moved to lay the said Preamble and Resolutions upon the table, and thereupon the question was had and determined in the negative—ayes 8, noes 14.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Brown, the affirmative voters are,

Messrs. Childress, Craighead, Gordon, Johnson, Love, Moore, Totten and Trousdale—8.

The negative voters are,

Messrs. Speaker Webster, Brown, Cahal, Graves, Hynds, Ledbetter, McGaughey, Morford, Motley, Powell, Reagan, Robertson, Rogers and Vernon—14.

And so said motion was negatived.

Whereupon Mr. McGaughey moved a reconsideration, which motion prevailing, the said preamble and resolutions were, on motion of Mr. McGaughey, ordered to the table.

On motion of Mr. Cahal, ordered that twenty-five copies of said preamble and resolutions be printed for the use of the Senate.

A message from his Excellency William Carroll, by Daniel Graham Esq., Secretary of State.

Fellow citizens of the Senate,
and of the House of Representatives:

I herewith transmit a copy of an act, entitled an act to incorporate the New Orleans and Nashville Rail Road Company, passed by the Legislature of Louisiana, which at the request of the Governor of that State, is submitted to the consideration of the General Assembly.

Very Respectfully,
WILLIAM CARROLL.

Nashville, Oct. 12th, 1835.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. Speaker: I am directed to inform the Senate that the House of Representatives, are now ready to receive the Senate, preparatory to the inauguration of the Governor elect, and then he withrew; whereupon the speaker and gentlemen of the Senate, repaired to the Hall of the House of Representatives, and thereupon an oath to support the constitution of the United States, an oath to support the constitution of the State of Tennessee, and an oath of office, were duly administered to Newton Cannon, the Governor elect, by Thomas Stewart Esq., one of the Judges of the Circuit Courts of this State, in presence of the two branches of the General Assembly; whereupon, the Speaker, and gentlemen of the Senate returned to their own chamber.

Mr. Vernon submitted the following:

Resolved, That a select committee be appointed, to be denominated the committee on Indian Affairs, whose duty it shall be to take into consideration, all matters and things relating to that part of the state, now in possesion of the Cherokee Indians, and that they have leave to report, by bill or otherwise; which was read and adopted. The speaker appointed Messrs. Vernon, Hynds and McGaughey said committee.

On motion of Mr. Childress, ordered that the following be adopted as one of the rules for the government of the Senate, to wit:

All resolutions shall lie one day on the table, before receiving the action of the Senate.

On motion of Mr. Ledbetter, *Ordered*, that thirty copies of the amended report of the committee appointed to draft rules for the government of the Senate be printed.

Mr. Johnson submitted the following:

Resolved, by the Geneneral Assembly of the State of Tennessee, that a joint select committee be appointed, to wait on his Excellency William Carroll Esq. Governor of the State, and tender to him their high sense of gratitude for the services rendered to the State by him, while exercising the office of Chief Magistrate, and the rule requiring resolutions to lie one day on the table being suspended, the said resolution was unanimously adopted. The speaker appointed Messrs. Johnson, Gordon and Moore to be of said committee on the part of the Senate. *Ordered*, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

On motion of Mr. Craighead, the bill to amend an act entitled an act to establish the Planters Bank of Tennessee, passed Nov. 15, 1833, was taken up and read. Mr. Moore offered the following as an amendment to the first section thereof, to wit: And that all the nett profits arising from the sale of the same, shall be applied to the school fund for the use of common schools. On motion of Mr. Hynds, the said bill and amendments were ordered to the table.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. Speaker: The House of Representatives have adopted a resolution appointing a joint select committee, to wait upon the Governor of the state and inform him that the General Assembly are ready to receive any communication he may think proper to make. Said message was read and concurred in. The Speaker appointed Messrs. Childress and Gordon to be of said committee on the part of the Senate.

Mr. McGaughey submitted the following:

Resolved, by the General Assembly of the State of Tennessee, that our Senators in Congress be instructed and our Representatives requested to vote against rechartering the Bank of the United States, should an attempt be made in Congress for that purpose. *Resolved*, that the Secretary of state, cause a copy of the foregoing resolution to be furnished to each of our Senators and Representatives in Congress.

On motion of Mr. Powell, the Bill to repeal part of an act, to amend the several acts of the General Assembly, relative to property exempt from execution, passed Nov. 26, 1833, was taken up and read. Mr. McGaughey moved to amend the caption of said bill, substituting therefor the following, to wit: A Bill to repeal so much of an act, passed Nov. 26, 1833, as exempts from execution, one farm horse, mule or yoke of oxen. Which amendment was accepted. And the bill, on motion of Mr. Powell, ordered to the table.

The Senate took up on motion of Mr. Vernon, the bill giving further time to the purchasers and enterers of land in the Hiwassee District to obtain their grants. And the bill being read, Mr. Gordon moved to lay it on the table, which motion was negatived.

And thereupon the Senate adjourned.

TUESDAY, OCTOBER 13th, 1835.

The speaker announced the appointment of the following standing committees, to wit:

Committee on Privileges and Elections—Messrs. Moore, Powell and McGaughey.

" " Ways and Means—Childress, Gordon, Ledbetter, Trousdale, Hynds, Armstrong and Gray.

" " Finance—Cahal, Morford, Craighead, Childress and Johnson.

" " Claims—Johnson, Henderson, Motley, Totten and Reagan.

" " Education & Common Schools—Ledbetter, Morford, Craighead, Childress, Cahal, Henderson, Hynds, Robertson and Totten.

Committee on the Judiciary—Craighead, Cahal, Ledbetter, Hynds, Henderson, Trousdale, Gordon, Johnson and Vernon.

" " Internal Improvements—Hynds, Cahal, Gordon, Brown, Gray, Graves, Morford, Moore, and McGaughey.

" " On Military Affairs—Armstrong, Love, Robertson, Rogers, Brown, Vernon, Gray, Reagan and Gordon.

" " New Counties and County Lines—Vernon, Cahal, Gray, Powell, Graves, Reagan, Morford, Armstrong and Ledbetter.

" " Penitentiary—Henderson, Powell and Childress.

" " Banks—Gordon, Craighead and Trousdale.

" " Enrolled Bills—Craighead and Ledbetter.

" " Propositions & Grievances—McGaughey, Moore, Robertson, Rogers, Love, Reagan, Motley, Graves and Brown.

On motion of Mr. Gray—*Ordered*, that thirty copies be printed for the use of the Senate—together with a like number of such select committees as have been appointed.

The Senate, on motion of Mr. Vernon, resumed the consideration of the bill giving further time to the purchasers and enterers of land in the Hiwassee District to obtain their grants; the said bill was read a second time and passed.

Mr. Morford introduced a bill concerning the navigation of the Caney Fork of Cumberland River; referred on his motion to the committee on Internal Improvement.

A bill to amend an act, entitled an act, to establish the Planter's Bank of Tennessee, passed 15th Nov. 1833, was read and referred on motion of Mr. Love, to the committee on Banks.

On motion of Mr. Vernon, *Ordered*, that Mr. Reagan be added to the committee on Indian Affairs.

Mr. Moore submitted the following:

Resolved, That the committee on Military Affairs, be instructed by e Senate to revise the Military laws of this state.

Mr. Graves the following:

Resolved, by the General Assembly of the State of Tennessee, that a joint select committee be appointed consisting of three on the part of the Senate, to take into consideration the propriety of laying off the different counties in this state into districts of convenient size for the purpose of electing Justices of the Peace and constables, agreeably to the provisions of the 15th section of the 6th article of the constitution, and that they report by bill or otherwise.

A message from the House of Representatives, by Mr. Mitchell their Clerk.

Mr. Speaker—The House of Representatives concur in your resolution appointing a joint select committee, to wait upon William Carroll

Ex Governor of this State and tender to him the gratitude of the General Assembly for past services. And have appointed Messrs. Hickman, Wright, Nicholson and Tarver, to be of said committee, on the part of the House of Representatives. A bill from the House of Representatives giving further time for surveying entries North and East of the Congressional reservation line, and north of Tennessee river, was taken up and read.

Mr. McGaughey offered the following as an amendment thereto, to wit: *Be it enacted,* that the further time of two years be allowed to make surveys, return plats and certificates and obtain grants on all entries founded on good and valid warrants, North and East of the Congressional reservation line. On motion of Mr. McGaughey the said bill and amendment, was referred to the committee on public lands.

Mr. McGaughey's resolution of yesterday, instructing our Senators and requesting our Representatives to vote against rechartering the Bank of the United States, was taken up and read.

Mr. Moore offered the following amendment thereto, to wit:

And that they be instructed to oppose all efforts to charter any other Bank. The said resolution and amendment was ordered to the table.

On motion of Mr. Moore, the resolution submitted by him on this day directory to the committee on Military Affairs, was taken up and read and the rule being suspended, the said resolution was amended on motion of Mr. Graves, so as to instruct the committee to inquire into the propriety of revising the Militia laws of this State. The resolution was thereupon referred, on motion of Mr. Moore, to the committee on Military Affairs.

And then the Senate adjourned.

WEDNESDAY, OCTOBER 14th, 1835.

Mr. Vernon presented the petition of sundry citizens of Rhea and Bledsoe counties, praying that George Gordon, Moses Thompson and Brinkley Homsby be permitted to open a turnpike road, commencing in the grassy cove in Bledsoe county and terminating at the foot of Walden's Ridge at or near Powel's gap. Which was referred, on motion of Mr. Vernon, to the committee on Internal Improvement.

Mr. Childress from the joint select committee, appointed to wait upon his Excellency the Governor and inform him that the General Assembly are now ready to receive any communication he may think proper to make them—Reported, that the committee had performed the duties assigned them, and that his Excellency replied that he would make a communication in writing, on Thursday next at 3 o'clock, P. M.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. Speaker:

The House of Representatives have adopted a resolution to go into

the election of a Notary Public for the County of Shelby, on this day; they have also adopted a resolution to go into the election of Secretary of State on the 24th inst.—in which they ask the concurrence of the Senate. And then he withdrew.

Whereupon, the said resolutions were severally read and concurred in.

A Bill from the House of Representatives to amend an act passed the 5th day of November, 1833, entitled an act to regulate ferriages and tolls at ferries kept on the Tennessee River, north of the north boundary-line of the State of Alabama, was read a first time and passed.

Mr. Robertson moved that the vote of the Senate in the election of their Speaker, Clerks and Door-Keeper, be spread upon the Journal, as required by the 4th section of the 4th article of the constitution. In lieu of which, Mr. Graves moved that the sense of the Senate be taken upon the question: Does the constitution require the votes for Speaker, Clerks and Door-Keeper to be entered upon the Journal.

Mr. Gordon moved that the motion, together with the substitute, be postponed indefinitely. And the question thereon being had, it was determined in the affirmative—ayes 13, noes 11.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Love, the affirmative voters are:

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Hynds, Johnson, Ledbetter, Morford, Motley and Reagan—13.

The negative voters are:

Messrs. Gray, Henderson, Love, McGaughey, Moore, Powell, Robertson, Rogers, Totten, Trousdale and Vernon—11.

Mr. Ledbetter submitted the following:

Resolved, That the committee on Finance be directed to enquire into the expediency of making the Secretary of State ex-officio Comptroller of the State, and that they report by bill or otherwise.

Mr. Childress submitted the following:

Resolved, That the committee on the Judiciary inquire into, and report to the Senate, the propriety of passing a general law, embracing all such subjects of legislation as have heretofore been termed local, and which, under the constitution of the State, should be given to the court or courts of the county, where such subjects of legislation may arise.

And the rule being suspended, said resolutions were severally read and adopted.

Mr. Cahal submitted the following:

Resolved, by the General Assembly of the State of Tennessee, that Berryman Hamblett be, and he is hereby appointed a Justice of the Peace in and for the county of Maury.

Mr. Hynds the following:

Resolved, That the Senate meet the House of Representatives in their Hall, on Saturday the 17th inst. for the purpose of electing a Secretary of State.

On motion of Mr. Hynds, *Ordered*, that Mr. Craighead and Mr. Henderson be added to the committee on Ways and Means.

The resolution heretofore submitted by Mr. Graves, in relation to

laying off the several counties in this State into districts for the election of Justices of the Peace, and for other purposes, was taken up, and on motion of Mr. Moore, referred to the Committe of the Whole, and made the order of the day for Tuesday next.

On motion of Mr. Reagan, *Ordered*, That Mr. Powell be added to the committee on Military Affairs.

The Preamble and Resolution heretofore submitted by Mr. Totten, instructing our Senators to use all fair and honorable exertions to cause the Senate of the United States to cross and mark, so as to indicate, that is to be considered cancelled, expunged and held for nought, a resolution adopted by that body on the 28th of March, 1834, condemnatory of the President of the United States—was taken up and read.

Mr. Craighead submitted the following, in lieu of all that part after the preamble, to wit:

Therefore, Resolved, by the General Assembly of the State of Tennessee, That the Senators in Congress from this State are hereby instructed and required to co-operate with the Senators from other States in all measures (except obliterating said writing,) tending to manifest that said resolution of the 28th of March, 1834, is of the character specified in the foregoing Preamble.

Resolved, That our Senators are further instructed and required, that by a marginal note opposite to said resolution, (referring to the resolution of the Senate,) and by a scrawl drawn around said resolution, and by all lawful means not affecting the legibility of said writing, they endeavor to manifest that said resolution of the 28th March, 1834, is the unlawful and slanderous act of those by whom it was moved and sustained; that it is no part of the authentic record of the proceedings of the Senate, but a registered expression of the spleen and mortification of a majority of the Senators, who in that instance grossly misrepresented the sentiments and opinions of the great body of the American people.

On motion of Mr. Childress, the said preamble, resolution and amendment were ordered to the table.

Mr. McGaughey introduced a bill to fix the rate of interest at six per centum per annum, which was read a first time, passed, and ordered to be referred to the committee on the Judiciary.

Mr. Gray submitted the following:

Resolved, That the Secretary of State be requested to prepare and communicate to the Senate, at as early a day as practicable, tabular statements of the amount of taxes assessed in each county; amount of taxes paid into the public treasury from each county in 1830, 1831, 1832, 1833, and 1834; the quality of each subject taxed in each county; amount of taxes accruing on each subject for the same period. Also, the number of free taxable inhabitants in each county, according to the census taken in this State in 1833; and as near as practicable, the amount of appropriated land in this State.

Mr. Powell the following:

Resolved, by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in their Hall on Tuesday

the 20th instant, for the purpose of electing a Printer to the State.

A bill giving further time to the purchasers and enterers of land in the Hiwassee District to obtain their grants, was taken up and read; and thereupon the question being had: Shall the bill pass? It was determined in the affirmative—ayes 21, noes —.

The affirmative voters are:

Mr. Speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon.

And so said bill passed a third reading, and was ordered to be transmitted to the House of Representatives.

Mr. Trousdale introduced a Bill to repeal an act passed by the General Assembly of the State of Tennessee, on the 15th December, 1831, entitled an act to tax the retailers of spirituous liquors, and to appropriate the monies arising therefrom to the use of common schools. Read first time and passed.

Mr. Hynds introduced a Bill to amend the laws of this State, regulating the bringing of suits upon sheriff's bonds. Which was read a first time and passed.

A Bill to repeal so much of the first section of an act, passed November 26, 1833, as exempts from execution, one farm horse, mule, or yoke of oxen, was on motion of Mr. Powell, referred to the committee on the Judiciary.

And then the Senate adjourned.

THURSDAY, OCTOBER 14th, 1835.

Mr. Hynds presented the memorial of sundry citizens of Jefferson county, praying the repeal of the pauper law, and the repeal of the law exempting certain property from execution. Which was read, and so much thereof as relates to the repeal of the pauper law, was referred, on his motion, to the committee on the Judiciary; and so much thereof as relates to the repeal of the law exempting certain property from execution, was referred to the committee on propositions and grievances.

Mr. Vernon presented the memorial of John Kelley, praying a charter for a turnpike road, commencing on Tennessee River, in Marion county, and terminating on the east side of the Look-Out Mountain, in Hamilton county. Which was referred, on his motion, to the committee on Internal Improvement.

Mr. Robertson presented the return of the clerk of the circuit court of Hardeman county, for the years 1833 and 1834. Which was ordered to the table.

Mr. Johnson, from the joint select committee appointed to wait upon William Carroll, Ex-Governor of the State, reported the following correspondence, to wit:

GOVERNOR CARROLL:—If, sir, there be any one thing more than another, that is calculated to make me proud, it is, to be the organ of the committee, appointed by both houses of the General Assembly, to tender to you, through them, the spontaneous feeling of gratitude which the people of Tennessee feel toward you, for your past services to the State, both in the field and in the cabinet. Your services have been long and faithful; and the generations which will follow us, will appreciate them as we do. Whenever Tennessee shall be spoken of by future historians, either in a military or civil point of view, the name of William Carroll will be closely identified with it, as the hero and civilian. Eulogy is unnecessary from us; your merits and services are too well known by your fellow citizens to require it. In compliance with my duty, I tender to you the joint resolution adopted by the unanimous voice of both houses of the General Assembly, which you will be pleased to accept.

W. B. JOHNSON,
Chairman on the part of the Senate.

Sir:—I pray you to be assured that I feel duly sensible of the honor conferred on me by the resolution of the General Assembly, communicated through you, as well as by the flattering manner in which you have been pleased to convey it.

Through future life I cannot fail to remember it, with the liveliest gratitude, as not the least of the kind evidences which the people of Tennessee have given of their confidence.

Be pleased to accept for yourselves, and to tender to the members of the General Assembly individually, my ardent wishes for a happy and successful termination of your labors, and for a safe return to your respective families and friends. WM. CARROLL.

Mr. Gray's resolution of yesterday, directory to the Secretary of State, was taken up read and amended, on motion of Mr. Moore, by adding thereto the following, to wit: Also such other statistical accounts as he may have in his possession. The said resolution was thereupon, on motion of Mr Chaighead, ordered to the table until after Tuesday next.

Mr. Trousdale submitted the following.

Resolved, by the General Assembly of the State of Tennessee, that a joint select committee, consisting of five on the part of the Senate, be appointed to take into consideration the propriety of laying out this State into Judicial districts, with instructions to report by bill or otherwise.

Mr. Cahal's resolution appointing a Justice of the Peace for the county of Maury, was taken up and read and on motion of Mr. McGaughey ordered to the table.

A message from the House of Representatives by Mr. Mitchell their clerk.

Mr. Speaker: The House of Representatives have adopted a resolu-

tion to go into the election of a Public Printer for the State on the 17th inst. in which they ask the concurrence of the Senate, and then he withdrew. Whereupon the said resolution was read and noncurred with.

The resolution heretofore submitted by Mr. Morford, proposing to appoint a joint select committee, to examine into the state and condition of the Union Bank and Planters Bank, was taken up, read and amended on motion of Mr. Craighead, by adding thereto the words "and also into the state and condition of the Bank at Memphis." The resolution was thereupon on motion of Mr. Morford ordered to the table.

Mr. Armstrong introduced a bill, to authorize the clerks of courts of record in this State, to take the probate or acknowledgement of assignments of platts and certificates of surveys and locations, which was read a first time and ordered to be referred to the comittee on public lands.

The resolution heretofore submitted by Mr. Powell, proposing to go into the election of Public Printer on Tuesday next, was taken up read and adopted. *Ordered*, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Moore submitted the following:

Resolved, That the committee on Internal Improvement, be directed to enquire into the expediency of obtaining a charter for the extension of a Turnpike road, from Shelbyville by way of Fayetteville to the South boundary line of this State, and that they report by bill or otherwise.

On motion of Mr. Hynds the committee on the Judiciary was discharged from the further consideration of the bill, to repeal so much of the first section of an act passed Nov. 26th, 1833, as exempts from execution one farm horse, mule or yoke of oxen. The said bill being read, Mr. Love moved to strike therefrom the enacting clause. And thereupon the question was had and determined in the negative—ayes 12, and noes 13.

The ayes and noes being demanded by Mr. Powell and seconded by Mr. Love, the affirmative voters are, Messrs. Brown, Childress, Gray, Henderson, Johnson, Ledbetter, Love, Morford, Motley, Robertson, Totten and Trousdale, 12. The negative voters are Mr. Speaker Webster, Armstrong, Cahal, Craighead, Graves, Hynds, McGaughey, Moore, Powell, Reagan, Rogers and Vernon, 13.

Mr. Graves offered the following additional section as an amendment thereto, to wit: Sec. 2. *Be it further enacted*, that the property to be sold by the first section of this act, shall not be sold after the first of March, nor before the first day of September in each year. And the sense of the Senate being thereupon had, the said amendment was rejected. The bill was thereupon referred on motion of Mr. Hynds, to the committee on Propositions and Grievances.

The Speaker presented the following communication from R. C. Foster Esq., one of the commissioners of the Penitentiary, to wit:

To the General Assembly of the State of Tennessee.

GENTLEMEN:—I have served you as Commissioner and Inspector of

the Penitentiary from its commencement to the present. The condition of the whole establishment has recently been laid before you; its pecuniary concerns you will perceive are prosperous, and the fondest hopes are entertained, that its moral influence will be of use to society. You will now please accept my resignation to that appointment.

Respectfully,

R. C. FOSTER.

October 13, 1835.

Which was read accepted and ordered to be transmitted to the House of Representatives.

Mr. Childress submitted the following:

Resolved, That the committee on the Judiciary be instructed to enquire into and report by bill or otherwise, the nessary penalties for a violation of that rule or moral principle designed to be cherished in the 3d section and 9th article of the constitution of the State.

The following message was received from his Excellency the Governor, by Daniel Graham, Esq., Secretary of State:

GOVERNOR'S MESSAGE.

Fellow-Citizens of the Senate,
and of the House of Representatives,

On no former occasion in the history of our country, have the representatives of the people of Tennessee convened under circumstances, exciting to higher emotions or more calculated to impress upon the minds of all, the responsibility of those to whom the public interests are confided,

The benificent hand of providence has continued to dispense its blessings on our favored land. The labor of our citizens in every department of human industry, is encouraged by increased means of production, and all the incentives of liberal and certain remuneration. These blessings and benefits have resulted under the mild influence of a constitution and laws framed by the wisdom and carried into practical effect by the patriotism and virtue of those who have gone before us. A new order of things is about to arise, an amended form has been given to the fundamental rule of our government, and in your hands to a very great extent, are now placed the political destinies of a free & intelligent people. The subject of revenue must at all times engage the attention of the Legislature. According to the just principles assumed in the constitution, that all property made subject to taxation, shall be taxed according to its value, that value to be ascertained in such manner as the Legislature shall direct, so that the same shall be equal and uniform throughout the State, and no one species of property from which a tax may be collected, shall be taxed higher than any other species of property of equal value. By the assumption of this principle and the provisions connected with it, the important duty devolves upon the Legislature, of passing a law, designating and providing for that mode of valuation, [illegible] best accord with the interest of the State and convenience of our citizens; a duty involving much responsibility, affecting as it will, all classes and conditions of the people. And whatever mode the General Assembly may in their wisdom think proper to adopt, it is respectfully suggested that a due regard to

economy, as well as the convenience of the people will have its proper influence.

In relation to this somewhat intricate subject I am aware, that two modes have been looked to and generally held in competition to each other throughout the State. One contemplates the appointment of assessors in districts, to fix the value of all taxable property: the other plan requires the owner or person giving it in for taxation, to estimate its value; although objections may be found to exist against either of those modes or plans, my own opinions are somewhat inclined in favor of the latter.

The reorganization of the judicial department of our government, in conformity with the provisions of the constitution, claims a full share of your most calm and dispassionate deliberation, during the present session.

In the appointment of the Judges of the Supreme Court, one of whom must reside in each of the three grand divisions of our State, I indulge the most sanguine hope, that in filling this most important branch of the Judicial department, your selections will not be narrowed down to the few who may present themselves to your notice as candidates for that high station. But that in each case you will extend the circle of your choice to the utmost limit of the divisions, respectively, from which the selection is to made; at the same time divesting yourselves of those prejudices, partialities or other local considerations which might deter you from calling to this deeply interesting and responsible situation, if possible, those of our citizens, most distinguished for their legal attainments, honesty and unbending integrity. In whose hands the rights and liberties of every citizen can be trusted in safety.

The times and places of holding the Supreme Courts of our State, will also require your attention.

With regard to such other Inferior Courts as are authorised by the constitution, my opinion is in favor of retaining the Circuit Courts, But in the event, no additional duties are imposed on them, by curtailing the jurisdiction of the County Courts, or abolishing the Chancery Courts, I would most respectfully recommend the re-organization of their districts throughout the State with a view to diminish the number, as well as to make a more equal distribution of the labor.

If by requiring of the Judges a reasonable course of industry or constancy of employment, you can consistently with the public interest reduce the number, you will thereby be enabled to afford such remuneration, as will be calculated to command the services of those best qualified for that important duty.

I would also respectfully suggest to the General Assembly, the propriety of establishing the salaries of the Judges, as well as of other officers of the government, previous to the time of their appointment.

The safety and stability of the currency of our State, constitutes a subject of general interest, to which I would invite your attention. By a strict and timely scrutiny, so far as you may be authorized, into the condition of our Banking institutions, as well as the manner in which they have observed the provisions contained in their respective charters. By your vigilance in relation to this interesting matter, the people may find safety from one of those greatest evils that can afflict an honest and industrious community, a depreciated currency,—Notwithstanding there are some who indulge in speculative

visions, so far as to imagine that a metalic currency of gold and silver will shortly be restored to our country, still we must believe, that we will continue to have, as the general medium of exchange, a paper currency. Hence I most earnestly recommend to the Legislature timely and unceasing efforts to preserve and maintain to the utmost extent of their power that currency in a sound state and thereby save our country from those great evils, which we have heretofore so fully experienced from an excess of banking institutions.

For the preservation of our republican institutions it is made the duty of the Legislature, by the provisions of the Constitution, in all future periods in our government, to cherish literature and science, and it is provided that our common school fund, shall remain a perpetual fund, the principle of which, shall never be diminished by legislative appropriation, and the interest thereof shall be inviolably appropriated to the support and encouragement of Common Schools throughout the State, for the equal benefit of all the people. And as a means of accomplishing this great object, it is made the duty of the General Assembly also to appoint a board of commissioners, for such term of time, as they may think proper, who shall have the general superintendance of said fund, and who shall make a report of the condition of the same, from time to time, under such rules, regulations and restrictions, as may be required by law. Thus, under the Constitution, together with the deep solicitude felt generally, by the people of our State, on this most interesting subject, devolves upon the General Assembly, at this time additional duty, as well as an increased weight of responsibility. The efforts which have heretofore been made by the Legislature, to accomplish the desirable object of establishing Common Schools throughout the State, it is believed, has failed, to, at least, a considerable extent, in securing to the people, the benefits which were anticipated.

The act of Assembly, of 1829, on this subject, it has been found, cannot be carried into effect, in many parts of the State, with the means appropriated to the object. I would therefore, most earnestly press upon your consideration, the propriety of amending said act, or introducing in its stead a more simplified system; not only more adapted to the means of our State, but also to the situation, existing condition and organization of society generally, throughout the State.

It is believed that wisdom in legislation, not only in relation to this subject, but also generally, consists much in the proper adaption of measures to the existing state of society and habits of the people, as well as the means held by the State, for their accomplishment. I am fully aware that the successful prosecution of this subject is surrounded with many difficulties, yet I would most respectfully suggest the justice and propriety, while you are engaged in its consideration, of looking attentively to the condition of the most unfortunate portion of the rising generation. The orphans and other children, who have no means from any other source whatever, to obtain the smallest portion of an education. The State should feel a parental interest and solicitude in their behalf, at least so far as to ensure to them a full share of the benefits of our system. Such, it seems to me, would be the true course of enlightened policy, and promotive of the great ends of giving security and permanency to the principles of our free and republican government.

Should you call into existence a system, under the salutary influence of which, no child, however unfortunate its condition, would be permitted to grow up and arrive at the years of maturity, in our State, without being instructed, at least in the common branches of English education. It would shed around the name of Tennessee a fame more imperishable than that which has been achieved by her arms. But whilst I would invite your attention to the great subject of Common Schools, as the most important branch of your labours on this subject, I trust at the same time, you will not fail to cherish and foster all other literary institutions of higher order, whose prosperity and permanency it is believed will be better secured, & placed on a more durable foundation, by the establishment and maintainance of Common Schools, throughout the State, than can be done by any other course of legislative action. They are indeed the sure foundation, on which those institutions of higher order can rest in perfect security.

In free governments founded upon the public will, it is indispensably necessary that that will should be enlightened, it is their proud prerogative to be founded in virtue and intelligence. They go hand in hand. Every citizen can aspire to the highest office in our State. How deeply interested then, is the community, in the formation of a system which shall enable the youth of our country to discharge the high duties that await them, with honor to themselves and advantage to the State.

I cannot however leave this interesting subject without calling your attention to a more cheering part of the picture, which our State even now presents.

We have beheld a laudable spirit of enterprize pervading in different sections with regard to female education. By the active energies and patriotic exertions and liberality of the citizens, unaided by any public donations, we have seen rise into existence and great usefulness in rapid succession female academies, put into operation and sustained by the citizens of their respective neighborhoods, dispensing the great blessings of literary attainments with all their useful as well as ornamental branches to thousands of the daughters of Tennessee; expanding and enlightening the minds of those who in their turn are to be the matrons and instructresses of future generations.

Wherever such institutions exist, they are entitled to the countenance of the Government; for there ever will be an immutable alliance between their advancement and the glory and prosperity of the State. It it is therefore anticipated, that this branch of education will receive its due proportion of public patronage, and also claim an interesting share of your deliberations.

The management of a well regulated system of internal improvement, as the great means of developing the resources of the State and promoting the happiness and prosperity of our citizens, is solemnly enjoined on your attention by the Constitution, the accomplishment of which would bring about a proud era in our State; every section of which in any attempt either to set on foot or accomplish this important object, demands your attention, so that all may enjoy equally, to the greatest practicable extent, its benefits.

While, in some sections, the interest of the citizens may require the removal of obstructions in the navigable streams, in others it requires the construction of turnpike or rail roads, to afford those facilities of commercial

advantage and intercourse which their different local situations require; all of which should as equally as possible receive your encouragement and the patronage of the State. It is scarcely deemed necessary to attempt to introduce arguments to your enlightened understandings, or point out the great benefits and advantages that must redound to our country, by the successful prosecution of a judicious system of this kind. When we look abroad amongst our sister States, we see the great benefits and advantages which they are enjoying from such industry and enterprise. It produces a demand for labor and affords profitable employment to their citizens; thereby exciting to industry great numbers who otherwise would remain in idleness and without employment. This would give a new incentive to industry amongst a great portion of the citizens of our country; while the expenditures made in the prosecution of such works are thrown into active circulation among ourselves, conferring benefits, directly or indirectly, upon those engaged in different occupations and pursuits in society—to the laborer, the farmer, the mechanic, the merchant, as well as the professional character. All, indeed, in some degree, would be participants in their benefits, in this point of view, during their prosecution; and their accomplishment would give a vastly increased additional value to lands in every part of the country, within the vicinity of such improvements. It is believed the resources of our country are now such as to enable us to move forward in this important and interesting course of policy, either by granting liberal charters for the incorporation of companies, thereby combining individual capital; or when the object is of sufficient magnitude to authorize a subscription on the part of the State for a portion of the stock, thereby combining the interest of the State with the capital and enterprize of the citizens, securing, at the same time, the rights and interests of all others; or to give such other encouragement as your enlightened consideration may suggest and deem expedient to promote the object in view, with which, it is conceived, is deeply identified the future interest and proud destiny of our State.

The situation of many parts of our State, with regard to the slave population, it seems to me, requires some protection by law, against all attempts, from any source whatever, to excite insurrection or discontent amongst the slaves. I therefore respectfully recommend the passage of a law providing for the punishment of all such offences, by confinement to labor in the penitentiary, under such rules, regulations and restrictions as you may deem expedient.

The situation of that portion of our citizens in the eastern section of our State, within the limits of the Cherokee nation, may also require your attention, as it is understood that the act of assembly, to extend the laws and jurisdiction of the State to her southern limits, passed November 8th, 1833, has not as yet been fully carried into effect.

The situation of many of our citizens in the western section of the State, residing on occupant claims, held under the provisions of our laws, may require some portion of your attention. In order to prevent litigation in future, with regard to the original right of occupancy, it is suggested, whether their being laid down on the general plan in the surveyor's office in the district in

which they are respectively situated, should not be sufficient evidence of their right against the State, as well as all other subsequent claimants.

Many efforts have been made by our Representatives in Congress, to obtain from that body a relinquishment of those refuse lands to our State without success; would it not therefore be expedient and proper, on the part of the Legislature, respectfully to memorialize Congress in relation to this subject.

It is respectfully suggested to your consideration, whether it may not be thought expedient to create the office of Comptroller in our State, or to annex the duties of such office to some other now in existence—with such increased remuneration as the nature of the duties to be performed may require. The great financial interests of our State seem to render some such supervision necessary.

The subject of the Militia will claim some portion of your consideration. It is in a national point of view our reliance for defence and our only security against invasion or domestic insurrection; the condition of which, at this time, not being such as would be required should they in either event be called to act.

Congress has thus far neglected or failed to carry into effect the most efficient power in relation to this matter: "To provide for organizing, arming and disciplining the Militia;" and perhaps it is useless longer to expect that any thing will be done by the General Government on this subject, however important, as it seems more disposed to expenditure in a different way, by which an odious aristocracy and privileged order is fostered through the means of a Military Academy, on which thousands and millions have been lavished, without constitutional authority, while not one single dollar has ever been appropriated to carry into effect the great constitutional provision, for the discipline of the militia, whose condition has for a long time been loudly calling for the exercise of such power which is so essential to place us in that high attitude, in relation to our safety and national defence, which was contemplated by the authors of that great charter of our liberty. But notwithstanding this picture of the history and condition of the militia before us, I feel at some loss to know what is best to be done; to wait longer for the action of the General Government would seem useless, and to undertake to arm and discipline them ourselves on the part of the State would require a vast expenditure of money which would be too burthensome to the people. Tennessee had obtained some character for patriotism and military achievements at the termination of the late war; since that period, however, our military spirit seems to have greatly subsided and fallen into apathy; from which I would earnestly invite the Legislature to exert some means to arouse them. If no other, by the encouragement of the organization of a certain number of Volunteer Companies in each county, to equip themselves, to hold frequent musters, and be in readiness for service. Unless men can be armed, I cannot perceive the utility of holding frequent musters—to meet as often as may be required, in order to obtain a correct return of our numbers would perhaps be all that would be necessary, while our militia remain in their present unarmed situation.

There are also other topics which may claim a portion of your attention during the present session, especially as relates to the Bank of the State of

Tennessee and the Penitentiary, about which I am not at present sufficiently informed to make a communication.

The present session of the Legislature is one of the deepest interest. Its action is to tell upon the future character and happiness of our country, and the high responsibilities which rest upon it, afford a sufficient assurance that its deliberations will be marked with patriotism, intelligence and wisdom.

NEWTON CANNON.

Executive Office, Nashville, October 15th, 1835.

Mr. Vernon moved that 2000 copies of the foregoing message be printed for the use of the Senate.

Mr. Trousdale moved that 4000 copies be printed; which motion having precedence, the sense of the Senate was thereon had and carried.

It was thereupon ordered, that 4000 copies be printed.

On motion of Mr. Moore, Ordered, that the Governor's message be made the order of the day for Wednesday next.

The resolution heretofore submitted by Mr. Hynds, proposing to go into the election of a Secretary of State on Saturday, the 17th inst., was taken up and read.

Mr. Hynds moved to strike therefrom the words Saturday, 17th inst.—Which motion prevailing, he then moved to substitute therefor, the words Tuesday 20th. Which motion was rejected.

The resolution was thereupon, on motion of Mr. McGaughey, ordered to the table.

And then the Senate adjourned.

FRIDAY, OCTOBER 16th, 1835.

Mr. Trousdale introduced a bill to provide for the election of Sheriffs, Registers, Trustees and Clerks, for the several counties in this State.

Mr. Robertson a bill to amend the criminal laws of this State.

Mr. McGaughey a bill vesting the county court of each county with a discretionary power to have the minutes and other records of the court transcribed into a well-bound book, where the same has not heretofore been done.

All of which were severally read a first time and passed.

Mr. McGaughey submitted the following:

Resolved, That so much of the Governor's message as relates to the subject of taxation, be referred to the committee of Ways and Means—so much as relates to the Judiciary be referred to the committee on the Judiciary—so much as relates to Banks, be referred to the committee on Banks—so much as relates to Education, be referred to the committee on Education and Common Schools—so much as relates to Internal Improvements, be referred to the committee on Internal Improvement—that so much as relates to Indian affairs, be referred to the committee on that subject—so much as relates to the appointment of Comptroller of Public Accounts, be referred to a select committee—that so much as relates to the Militia, be referred to the commit-

tee on that subject—and that so much as relates to the Penitentiary, be referred to the committee on the Penitentiary.

And Mr. Totten the following:

Resolved, by the General Assembly of the State of Tennessee, That so much of the 17th section of the 1st article of the Constitution as provides that suits may be brought against the State in such manner and in such courts as the Legislature may by law direct, be referred to the committee on the Judiciary, with directions to enquire what legislation is necessary thereon, with leave to report by bill or otherwise.

The resolution submitted by Mr. Trousdale on yesterday, proposing to lay off the State into Judicial districts, was on his motion, taken up and read.—And amended on motion of Mr. McGaughey, by adding the words Solicitorial districts. The resolution was thereupon on motion of Mr. Craighead, referred to the Judiciary committee.

Mr. Cahal moved to take up and consider the resolution heretofore submitted by him, appointing Berryman Hamblett a Justice of the Peace for the county of Maury—and the sense of the Senate being had thereon, said motion was rejected.

The resolution submitted by Mr. Childress on yesterday, instructing the committee on the Judiciary to enquire into and report the necessary penalties, for a violation of that rule or moral principle, designed to be cherished by the 3d section of the 9th article of the Constitution was taken up, read and adopted.

The resolution heretofore submitted by Mr. Morford, proposing to appoint a joint select committee to examine into and report the state and condition of the Union and other Banks, was on his motion, taken up and read.

In lieu of which, Mr. Morford submitted the following:

Resolved, That the committee on Banks be, and they are hereby instructed and required to enquire into the state and condition of the Union and Planters' Banks; and also into the state and condition of the Bank at Memphis; aud that said committee act in conjunction with a like committee on the part of the House of Representatives.

The said substitute was accepted, and the resolution adopted.

Mr. Graves introduced a bill to amend the common school law, passed January 14, 1830, so as to authorize the forming a new school district composed in part of different counties—and to secure to those districts that are not organized agreeably to the provisions of said act, an equal share of the public money.

Said bill was read a first time and passed.

A bill to amend the laws of this State, regulating the bringing of suits upon Sheriff's bonds, was read a second time and passed. Ordered to be engrossed, and made the order of the day for Wednesday next.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker;—The House of Representatives have adopted the following Preamble and Resolutions, in which they ask the concurrence of the Senate, to wit:

PREAMBLE AND RESOLUTIONS,

Adopted by both Houses of the General Assembly of the State of Tennessee, nominating the Hon. HUGH LAWSON WHITE, *as a candidate for the Presidency of the United States.*

Whereas, the people of the State of Tennessee in 1822, in 1825, and again in 1827, animated by a sincere determination to support those cardinal doctrines and principles which had distinguished the true Republican party from the commencement of the Federal Government up to that period, and also to correct and reform those practices which appeared to be erroneous and to constitute abuses in the policy and administration of the government, brought forward General Andrew Jackson, our present distinguished Chief Magistrate, as a person qualified by his principles, energy and great popularity, to effect those objects. And whereas, among the most important of those objects were—1st. To secure to the people the exercise of the right of suffrage in the election of the President of the United States, independent of the influence and dictation of caucus nominations. 2d. To resist the establishment of the practice of electing the President of the United States according to any plan of regular succession among the great functionaries of the government. 3d. The limitation and control of Executive patronage within such safe and expedient bounds as to secure the freedom and purity of the elective franchise against all undue official influences. And whereas, we are firmly persuaded that the principles upon which General Jackson was originally nominated and supported for the Presidency by the people of the State of Tennessee, have lost nothing of their truth or importance by the lapse of time and change of circumstances, we feel impelled by a proper regard for consistency, now, when again called upon to reconsider them in reference to the choice of a successor, to re-affirm them by a renewed and solemn declaration.

In the organization and proceedings of the late Baltimore Convention, we perceive the same violation of the spirit of the Constitution, the same tendency to a usurpation of the rights and powers of the people in the election of President, the same spirit of intrigue, the same liability in the members to be corrupted and influenced in their course by the promise and expectation of office, which we saw in the organization and proceedings of the Congressional caucus in 1823, and then condemned in the most public and solemn manner.

And whereas, no individual has been presented to the consideratiou of the American People as a candidate for the next Presidency, whose character and political opinions afford the same guaranty for the maintenance of those principles which brought General Jackson into office, and for carrying out the principal measures of his administration, and which so well accord with the political sentiments of the people of Tennessee, as set forth in this preamble, as our fellow citizen HUGH LAWSON WHITE: Therefore,

Resolved, That Hugh Lawson White be recommended to the people of the United States as a man eminently qualified to fill the office of President.

Resolved, That we approve generally of the principles and policy, both foreign and domestic, of the administration of the Federal Government dur-

ing the term of service of our present distinguished Chief Magistrate, General Andrew Jackson.

Mr. Trousdale moved to lay the foregoing preamble and resolutions on the table. Which motion failed—ayes 9, noes 16.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Craighead, the affirmative voters are,

Mr. Armstrong, Craighead, Gordon, Gray, Johnson, Love, Moore, Totten and Trousdale—9.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Graves, Henderson, Hynds, Ledbetter, McGaughey, Morford, Motley, Powell, Reagan, Robertson, Rogers and Vernon—16.

Mr. Ledbetter thereupon moved the previous question.

Mr. Love moved an adjournment. Which last motion having precedence, the question was had thereon, and determined in the negative—ayes 9, noes 16. The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Love, the affirmative voters are,

Mr. Brown, Craighead, Gordon, Gray, Johnson, Love, Moore, Totten and Trousdale—9.

The negative voters are,

Mr. Speaker Webster, Cahal, Armstrong, Childress, Graves, Henderson, Hynds, Ledbetter, McGaughey, Morford, Motley, Powell, Reagan, Robertson, Rogers and Vernon—16.

Mr. Ledbetter inquired of the Chair, whether it was in order, after a motion to adjourn was put and lost, for the motion to be renewed by the first mover, or by any other member, before any business is acted upon. The speaker decided that a motion to adjourn was always in order; from which decision Mr. Ledbetter dissented, and appealed to the Senate. And the question thereon being had, the chair was sustained—ayes 17, noes 7.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Morford, the affirmative voters are, Mr. Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Love, Moore, Motley, Robertson, Rogers, Totten, Trousdale and Vernon—17.

The negative voters are,

Mr. Cahal, Hynds, Ledbetter, McGaughey, Morford, Powell and Reagan—7.

The question again recurred upon Mr. Ledbetter's call for the previous question.

Mr. Love renewed the motion to adjourn, which prevailed—ayes 15, noes 10.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Hynds, those who voted in the affirmative are,

Mr. Speaker Webster, Armstrong, Brown, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Love, Motley, Reagan, Totten and Trousdale—15.

The negative voters are,

Mr. Cahal, Childress, Hynds, McGaughey, Moore, Morford, Powell, Robertson, Rogers and Vernon—10.

And so the Senate adjourned.

SATURDAY, OCTOBER 17th, 1835.

Mr. Graves presented the return of the county court of Knox county, showing the amount of taxes collected by him, from the 1st of October, 1833, to the 1st of October, 1834; and also a return showing the number of Captains' companies in said county.

Mr. Totten presented the returns of the clerks of the county and circuit courts of Gibson county, showing the amount of State tax collected by them for the years 1833 and 1834. All of which were ordered to the table.

Mr. Johnson submitted a resolution, and its reception being objected to, the question was had, will the Senate receive and have read the resolution, and determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded by Mr. Love, seconded by Mr. Johnson, the affirmative voters are,

Mr. Speaker Webster, Brown, Childress, Craighead, Gordon, Gray, Johnson, Love, Moore, Reagan, Rogers, Totten and Trousdale—13.

The negative voters are,

Mr. Armstrong, Cahal, Graves, Henderson, Hynds, Ledbetter, McGaughey, Morford, Motley, Powell, Robertson and Vernon—12. And so said resolution was received and ordered to be read, and is as follows, to wit:

WHEREAS, the free expression of opinion in regard to public men and measures, being an unalienable right secured to the citizens of this great Republic, by the fundamental principles of our happy institutions, the Legislature of the State of Tennessee, assembled at Nashville, their seat of government, regarding this right as sacred, and deeming it advisable and proper, to recommend to the citizens of the United States, a person qualified to fill the office of Chief Magistrate of this Union, beg leave to offer to their consideration our distinguished fellow-citizen, HUGH LAWSON WHITE.

In expressing for him our decided preference, we feel a strong assurance that we are influenced by no motive of State pride, or personal considerations, but alone, a desire to promote the public good, and preserve in purity, the happy institutions of our common country: And also to perpetuate those great republican principles, established by our present venerable Chief Magistrate, and so successfully and beneficially practiced by him, for the last seven years; to his merits as a statesman, those of his own State, who have had so many and abundant proofs, no reference need be made, while the whole country is full of the knowledge of that sincere devotion, which he has so often manifested for their interest and happiness, since he first took his seat in the Senate of the United States.

In making those expressions of feeling, we but give the universal and spontaneous feelings of our fellow-citizens, who have honored us with their suffrages, and cannot but yield it, an implied and unlimited confidence in

that man, whose virtues first dawned among us, and whose labors have been commingled with ours, in establishing and maintaining those great principles, for which our ancestors sacrificed so much blood.

We claim no right to dictate, we possess no such principles, we speak only in the character of Americans and freemen, claiming only the common right of opinion. All we desire, is to present for consideration the appointment, to the first office in the nation, such an individual as we believe, will guard his trust with strict fidelity, and who will maintain and lead us safely on the great career of republicanism. Such a man we believe our fellow-citizen Hugh Lawson White to be—Therefore,

Resolved, by the General Assembly of the State of Tennessee, That the name of Hugh L. White, of this State, be recommended to the freemen of these United States, as a fellow-citizen, who, by his numerous and faithful public services, both to this State and the United States—his strict adherence to the republican principles, merits to be elevated to the highest office in the gift of a free people.

Mr. Johnson moved a suspension of the rule, requiring resolutions to lie one day on the table, and after some discussion thereon, Mr. Childress moved the previous question, and the sense of the Senate being thereupon had, the said motion prevailed—ayes 16, noes 9.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Graves, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Morford, Motley, Powell, Reagan, Rogers and Vernon—16.

The negative voters are,

Mr. Armstrong, Craighead, Gordon, Gray, Love, Moore, Robertson, Totten and Trousdale—9. And so the motion for the previous question was sustained. And thereupon the question was had, "Will the Senate suspend the rule," and determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Cahal, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Craighead, Gordon, Gray, Johnson, Love, Moore, Robertson, Totten and Trousdale—12.

The negative voters are,

Mr. Cahal, Childress, Graves, Henderson, Hynds, Ledbetter, McGaughey, Morford, Motley, Powell, Reagan, Rogers and Vernon—13. And so said motion was negatived.

On motion of Mr. Cahal, the Senate resumed the consideration of the Preamble and Resolutions from the House of Representatives, nominating the Hon. Hugh L. White for the Presidency—and thereupon Mr. Cahal moved the previous question, which was sustained—ayes 17, noes 8.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Hynds, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Graves, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Morford, Motley, Powell, Reagan, Robertson, Rogers and Vernon—17.

The negative voters are,

Mr. Armstrong, Craighead, Gordon, Gray, Love, Moore, Totten and Trousdale—8.

Mr. Cahal moved a division of the question, so as to get the sense of the Senate upon the several parts of the said Preamble and Resolutions, which motion prevailing, all that part of the Preamble preceding the words, in the "organization and proceedings" were read, and thereupon the question was had, "will the Senate concur with so much of the Preamble as has been read" and determined in the affirmative—ayes 17, noes 8.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Rogers, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Graves, Gray, Henderson, Hynds, Ledbetter, McGaughey, Morford, Motley, Powell, Reagan, Robertson, Rogers and Vernon—17.

The negative voters are,

Mr. Armstrong, Craighead, Gordon, Johnson, Love, Moore, Totten and Trousdale—8.

The question was next taken upon a concurrence with so much of the Preamble as relates to the Baltimore Convention, and carried—ayes 16, noes 9.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Hynds, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Graves, Henderson, Hynds, Ledbetter, McGaughey, Morford. Motley, Powell, Reagan, Robertson, Rogers and Vernon—16.

The negative voters are,

Mr. Armstrong, Craighead, Gordon, Gray, Johnson, Love, Moore, Totten and Trousdale—9.

Mr. Childress moved a concurrence with the remainder of the Preamble, and the question being had thereon, it was determined in the affirmative—ayes 21, noes 4.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Cahal, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Morford, Motley, Powell, Reagan, Robertson, Rogers and Vernon—21.

The negative voters are,

Mr. Armstrong, Moore, Totten and Trousdale—4.

Mr. Armstrong thereupon moved a concurrence with the first resolution, and the question being had thereon, it was determined in the affirmative—ayes 23, noes 2.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Powell, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—23.

The negative voters are, Mr. Moore and Trousdale—2.

Mr. Childress thereupon moved a concurrence with the second resolution,

with the exception of the word "generally," and the question thereon being had, it was determined in the affirmative—ayes 23, noes 2.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Hynds, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—23.

The negative voters are, Mr. Henderson and Robertson—2.

Mr. Childress then moved a non-concurrence with the word "generally," and thereupon the question was had and determined in the affirmative—ayes 18, noes 7.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Johnson, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Rogers, Totten, Trousdale and Vernon—18.

The negative voters are,

Mr. Cahal, Graves, Henderson, Motley, Powell, Reagan and Robertson —7. And so said motion prevailed—whereupon, it was ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Ledbetter submitted the following resolution:

Resolved, by the General Assembly of the State of Tennessee, That a joint select committee be appointed to wait upon the Hon. Hu. L. White, and notify him that the people of the State of Tennessee by their representatives, have this day nominated him to their fellow citizens of the United States for the office of Chief Magistrate of the Union.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives nonconcur with the proposition of the Senate to strike from the second resolution nominating Hu. L. White for the Presidency, the word "generally." And then he withdrew.

Whereupon Mr. Ledbetter moved the Senate to recede from their proposition to amend. And the question thereon being had, it was determined in the affirmative—ayes 15, noes 9.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Hynds, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Graves, Henderson, Hynds, Ledbetter, McGaughey, Morford, Powell, Reagan, Robertson, Rogers and Vernon—15.

The negative voters are,

Mr. Armstrong, Craighead, Gordon, Gray, Johnson, Love, Moore, Totten and Trousdale—9.

Mr. Hynds then moved a concurrence with the word "generally." And the question thereon being had, it was determined in the affirmative—ayes 16, noes 8. The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Powell, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Graves, Henderson, Hynds, Ledbetter, McGaughey, Morford, Powell, Reagan, Robertson, Rogers and Vernon—16.

The negative voters are,

Mr. Craighead, Gordon, Gray, Johnson, Love, Moore, Totten and Trousdale —8. And so said preamble and resolutions were adopted, as received from the House of Representatives.

Ordered, That the clerk acquaint the House of Representatives therewith.

A bill to amend the common school laws, passed January 14, 1830, so as to authorize the forming of a new school district, composed in part of different counties, and to secure to those districts that are not organized agreeable to the provisions of said act, an equal share of public money, was taken up, read and referred, on motion of Mr. Moore, to the committee on common schools.

And then the Senate adjourned.

MONDAY, OCTOBER 19th, 1835.

Mr. Vernon presented the petition of sundry citizens of Rhea county, praying for a charter for a turnpike road, commencing in the Grassy Cove in Bledsoe county, leading across Walden's Ridge at or near Paul's Gap in Rhea county—thence to Hamsby's ferry, on Tennessee river, and thence to Samuel McDaniel's. Which was referred, on motion of Mr. Vernon, to the committee on Internal Improvements.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The House of Representatives concur with the Senate's resolution to go into the election of a Public Printer on Tuesday next. They have adopted a resolution, directory to the Treasurer of Middle Tennessee, in relation to the bonus and yearly dividends due the State by the Union Bank. They have adopted a preamble and resolution directory to the commissioners appointed on the 29th of November, 1833, to settle with Joel Parrish, late cashier of the Bank of the State of Tennessee, and his securities—in which they ask the concurrence of the Senate. And then he withdrew.

Whereupon the said resolutions were severally read and concurred with.

Received from the House of Representatives, the following Report from Wm. M. Berryhill, general Bank Agent, to wit:

REPORT

Of the Agent of the Bank of the State af Tennessee to the Twenty First General Assembly:

BANK OF THE STATE OF TENNESSEE,
Nashville, 12th October, 1835.

To the Honorable, the General Assembly of the State of Tennessee:

By the act of the Legislature, chartering "the Bank of the State of Tennessee," it is made the duty of the President and Directors, to furnish to each stated session, a report of the condition of the Institution; and in com-

pliance of the aforesaid act, the undersigned, General Bank Agent, most respectfully presents to your honorable body the following exhibit, viz:

Statement A. presents the condition of the Principal Bank, at Nashville, embracing all its transactions to the present date.

Statement B. gives a list of counties which have not yet received the school fund, and the amount due to each; also, those counties which have received a part, and how much, and those having received an excess. All the counties in Middle and West Tennessee, not enumerated in this list, have received the full amount apportioned to them.

Statement C. shows the amount of Internal Improvement money yet remaining in Bank, and the counties to which it severally belongs.

Statement D. exhibits the amount of Academy money yet in Bank, the counties to which it belongs, and the sum due to each.

The suits instituted by the President and Directors of the Bank against Col. Joel Parrish, the former Cashier, and his securities, have been settled by compromise, as I am informed; but the sum agreed to be paid by the said securities has not yet been placed in my hands.

The undersigned will, when called on, exhibit to the Bank Committee, all moneys, notes, books, papers, &c. belonging to the Bank, and furnish such information as he may be capable of giving in regard to its present condition.

All of which is most respectfully submitted.

WM. M. BERRYHILL, Bank Agent.

A

Report of the condition of the Bank of the State of Tennessee, at Nashville,
Monday, 12th October, 1835.

			DR.
Joel Parrish, former Cashier		$51,285 48	
Penitentiary or State Prison		53,657 67	
Internal Improvement, Mid. & W. Ten.		90,000	
Notes under discount		59,066 58	
Do. received for the sale of real estate		4,950 17	
Real estate unsold		51,771 13	
Suspended debt, balances on old Leger,		12,265 61	
Do. do. notes and judgments		19,579 08	
Sundry agencies unsettled		22,484 98	
Do. do. old, in default		6,206 00	
Current expenses of the Bank		5,956 77	
Expense, paid for distributing maps,		600 00	
Paid to common schools in Mid. and W. Ten.		276,205 12	
Matthews & Walker's line claims		26,703 03	
Lunatic Hospital		10,000 00	
Insolvent debts and agencies		1,488 92	
Cash in hand, viz:			
Own notes	$52,413 37		
Notes on other Banks & specie	11,250 63		
Deposit in Union Bank, Nashville	30,000 00	93,664	
			$785,884 54

CR.

Own notes issued	$374 344 00			
Deduct amount burnt by order of Legislature	306,129 42	—$68,214 58		
Branch Bank Knoxville		444,702 12		
Discount, or interest received		146,563 94		
Individual depositors		919 69		
Land entry account		82,301 47		
Do. do. received of Miller Francis		2,107 38		
Taxes on school land		2,600 10		
Sundry county Academies		6,125 75		
Sundry counties Internal Improvement, Middle and West Tennessee		12,186 48		
School fund received from old State Bank		19,758 90		
Teller's gain		404 18	—785,884	54
Amount of notes issued and not burnt		$68,214 58		
Deduct amount on hand		52,413 37		
Amount in circulation		$15,801 21		

WM. M. BERRYHILL, Bank Agent.

G

B

Report showing the Counties that have not yet drawn the School Fund; those having received a part, and those having received an excess.

Counties in Middle and West Tennessee.	Amount apportioned to each county.	Amount paid to each county.	Am'nt yet due to each county.	Am'nt due from each county.
Bedford County,	13,763 33	$14,016 00		252 67
Dyer "	1,089 49	75 60	1,013 89	
Fayette "	4,580 78		4,580 78	
Giles "	10,885 44	13,402 40		2,516 96
Hickman "	5,828 87	5,594 37	234 50	
Maury "	15,364 25	19,167 52		3,803 27
Obion "	1,489 54		1,489 54	
Overton "	6,201 87	7,096 28		894 41
Perry "	5,603 83	5,629 83		26
Sumner "	11,188 24	12,498 45		1,310 21
Stewart "	4,650 51		4,650 51	
Tipton "	3,118 01		3,018 01	
Willliamson "	13,538 91	14,564 24		1,025 33
Wayne "	4,838 3	4,837 32	1 00	
Weakley "	3,335 23	3,355 78		20 55
	$105,376 62	$100,237 79	$14,988 23	$9,849 40

C

Report of Internal Improvement Fund yet due to the following Counties in Middle and West Tennessee.

Dickson County,	$1,220 26
Hardeman "	1,512 95
Haywood "	396 28
Henderson "	594 67
Henry "	3,164 59
Hickman "	1,509 40
Madison "	2,083 58
Obion "	79 10
Perry "	326 25
Stewart "	1,200 42
Tipton "	223 98
	$12,311 48
McNairy County overpaid	125 00
	$12,186 48

D

Report of Academy Fund yet due to the following Counties in Middle and West Tennessee.

Dickson County,		$890 76
Dyer	"	1,139 76
Fayette	"	1,139 76
Maury	"	890 76
Rutherford	"	82 88
Stewart	"	1,139 76
White	"	75 76
Williamson	"	766 26
		$6,125 70

WM. M. BERRYHILL, Bank Agent.

On motion of Mr. Moore, Ordered, that fifty copies of the foregoing report and exhibits be printed for the use of the Senate.

A resolution heretofore submitted by Mr. Totten, referring so much of the 17th section of the 1st article of the Constitution as provides, "that suits may be brought against the State, in such manner and in such courts as the Legislature may by law direct," to the committee on the Judiciary—and the resolution heretofore submitted by Mr. Ledbetter, appointing a joint select committee to notify the Hon. Hu. L. White of his nomination, were severally read and adopted.

The Speaker appointed Mr. Ledbetter, Hynds and Cahal, to be of the committee raised by Mr. Ledbetter's resolution, on the part of the Senate.

Mr. Childress submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in their Hall on Tuesday, the 20th inst. for the purpose of electing three commissioners or inspectors for the Penitentiary; two Notaries Public for the county of Maury; one Notary Public for the county of Shelby, and one Notary Public for the county of McMinn.

And the rule requiring resolutions to lie one day on the table being susponded, the said resolution was read and adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Cahal submitted the following:

Resolved, That the committee on the Judiciary be instructed to report a bill to establish a chancery court, to be holden twice a year, in districts of convenient size, and to have exclusive jurisdiction of all matters of equity, and to regulate the proceedings in said court.

Resolved further, That said committee be instructed to report a bill to establish a system of circuit courts, to be holden three times a year in each county, and to have exclusive jurisdiction of all causes at law, both civil and criminal, which require the intervention of a jury; and to regulate the proceedings in said courts.

Resolved further, That said committee be instructed to report a bill to establish a system of county courts, to be holden once a month in each county

to take the probates of wills, grant letters of administration, appoint guardians, assess the county revenue, lay out roads, and appoint the overseers and hands to work thereon, and to superintend the county police generally, and to do all such acts and things as the courts of pleas and quarter sessions, as at present organized, are authorized to do, on county days, by the existing laws, and no more.

Mr. Johnson submitted the following preamble and resolutions, to wit:

Whereas, no regular session of the General Assembly of this State will take place until a considerable time after the expiration of the term of service of our present illustrious Chief Magistrate of the United States; it is therefore deemed fit and proper at this time, that the General Assembly of Tennessee should express their opinions upon the manner of administering the Government during his administration, and the principles involved in the leading measures, which have been adopted and acted upon. The General Assembly view with indignant regret, the many false and unfounded calumnies which have been propagated against him, and which have had for their object, to tarnish his reputation, and weaken the influence and effect of the salutary measures which he has from time to time, recommended and urged upon the consideration of Congress. He has been charged with usurping powers not conferred by the constitution and laws; with abusing Executive Patronage; with an attempt to dictate to his countrymen. It is believed by this General Assembly, that no portion of our countrymen, when the excitement of the present day shall have passed by, will view these charges in any other light than as accusations and calumnies, got up against him by his enemies, for temporary political purposes, and originating in the disappointed feelings of an ambitious opposition.

This General Assembly is prepared, for themselves and their constituents, now to place their negative upon them; and award to him that approbation which is due to his integrity, wisdom and patriotism.

In regard to the leading measures of his administration, they have our approval, and are entitled to our support. We consider the decided stand taken by him against Internal Improvement by the General Government, as having in a great measure, put an end to an extravagant, corrupt and corrupting system of legislation.

His opposition to the Bank of the United States, has manifested a devotion to principles which we most cordially approve; and is in strict accordance with the tenor of his whole life, through which he has often perilled every thing appertaining to himself for the good of his country.

The zealous exertions used by him to reduce the Tariff, and bring down the revenue to a proper standard, and to fix that standard to an amount necessary to an economical administration of the General Government, demonstrating his anxiety to relieve the people from unnecessary burdens, and do equal justice to every portion of the country. His unwearied efforts to remove the Indians west of the Mississippi, and beyond the limits of any of the States, were dictated by wisdom and humanity; and well deserve the commendation of all philanthropic men. The removal of the Deposites of the Public monies from the Bank of the United States, was, in our opinion, a measure, wise, politic, legal and constitutional; and well calculated to defeat a re-charter of

the Bank, by disabling it in a great measure from destroying the State Banks, resorted to by the General Government as their fiscal agent.

The able, dignified and firm course, pursued by the Chief Magistrate in his intercourse with foreign powers, has produced results, not only securing to our citizens that justice which had in many instances been long withheld from them; but has elevated and exalted our government in the eyes of foreign nations, and inscribed on our national character, in emphatic language, that we will ask for nothing but what is right, and submit to nothing that is wrong.—Therefore,

Resolved, by the General Assembly of the State of Tennessee, That the confidence of the people of the State of Tennessee, in the integrity, wisdom and patriotism of Andrew Jackson, President of the United States, is undiminished and unabated.

Resolved, That the leading measures which have characterized his administration are approved by this General Assembly; and it is hoped they will be adhered to, carried out, and consummated by his successor.

On motion of Mr. Cahal, Ordered, That 30 copies of the foregoing be printed for the Senate.

Mr. Trousdale submitted the following:

Whereas, the free and unrestrained interchange of opinion among men, tends greatly to elicit truth; and whereas, ample and free debate should never be precluded in a deliberative body: And whereas, also, by a standing rule of this Senate, the previous question may be called for, and all debate cut off upon the introduction of any new questions into that body:—Therefore,

Resolved, That the previous question shall not be in order, until each member of the Senate who may wish to debate the merits of any question before that body, shall have made one speech.

Mr. Ledbetter the following:

Resolved, That the 22d rule which has been adopted for the government of the Senate, be so amended that when a motion to adjourn has been once made and decided in the negative, it shall not be in order to renew the motion before any business has been acted upon.

Mr. Powell the following:

Resolved, by the General Assembly of the State of Tennessee, that our Senators in Congress be instructed, and our Representatives requested, to use their joint exertions in soliciting the General Government to relinquish its claims to all unappropriated land, now in this State, for the promotion of common schools and internal improvement.

Mr. Craighead the following:

Resolved, That the Judiciary committee be instructed to report a bill reorganizing the county courts as at present established.

Mr. Craighead also submitted the following:

Resolved, That the Senate meet the House of Representatives in their hall, on Tuesday the 20th instant, for the purpose of electing two Notaries Public for the county of Davidson. And the rule being suspended the said resolution was read and adopted.

Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

On motion of Mr. Johnson, *Ordered*, that the committee on public lands be discharged from the further consideration of the bill, giving further time for surveying entries, North and East of the Congressional reservation line, and North of the Tennessee river. The said bill was thereupon taken up and read, and after some discussion had thereon; it was, on motion of Mr. Trousdale again referred to the committee on public lands, with instructions to report by bill or otherwise.

Mr. Love introduced a bill giving the further time of two years for making surveys and obtaining grants on entries made under the act of 1819, chapter 1; and the acts subsequent thereto, which was read a first time, passed, and ordered to be referred to the committee on public lands.

A bill to provide for the election of Sheriffs, Registers, Trustees and Clerks for the several counties in this State, was taken up, read, and referred on motion of Mr. Love, to the committee on Privileges and Elections..

Mr. Johnson moved the Senate to take up and consider the resolutions heretofore submitted by him, nominating the Hon. Hugh L. White, for the Presidency of the United States. And thereupon the question was had and determined in the negative, ayes 7, noes 16. The ayes and noes being demanded by Mr. Love, seconded by Mr. Johnson. The affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Craighead, Johnson, Love and Trousdale, 7. The negative voters are, Mr. Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Rogers and Vernon, 16.

A bill from the House of Representatives to authorize a vote to be taken for a division of Humphreys county was read a first time and passed.

Mr. Hynds introduced a bill to authorize Wm. C. Roadman to build a toll bridge across French Broad river, near Newport in Cocke county, which was read and ordered to be referred to the committee on Internal Improvement.

A bill from the House of Representatives to amend an act, passed the 13th of September, 1806; entitled an act to prevent the citizens of other States, from driving stock on the lands of citizens of this State, was read a first time, passed, and ordered to be referred to the committee on Propositions and Grievances.

Mr. Totten from the committee on Public Lands to whom was referred a bill giving further time for surveying entries North and East of the Congressional reservation line, and North of the Tennessee river—Reported that the committee have had the same under consideration and had instructed him to report an amendment thereto, in lieu of the whole, from the word "A bill." The said report was concurred with. The bill was thereupon read as amended a second time and passed.

Ordered, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Hynds presented the following report of Pryor Lea, Esq. Attorney for the State, on Indian reservations, to wit:

To the Honorable, the General Assembly of the State of Tennessee.

The undersigned as Attorney for the State, in certain reservation causes, has the honor of submitting his third report.

At the date of the last report there were eight of the causes, remaining

undetermined. Five of them have been finally disposed of, and these are yet on the Dockets. Only one new suit has been instituted. Exhibit A gives a summary of the proceedings in the several cases since the last report. Of the four cases which are yet to be decided, one is in the Supreme Court at Knoxville, one in Roane Circuit Court, one in Monroe Circuit Court, and one in McMinn Circuit Court.

The cases disposed of, without a single exception, have been determined in favor of the defendants and of the interests of the State. I anticipate that those remaining will eventuate in the same way; and my confidence would be very strong, for a knowledge of the past difficulties, and of the value of every tract in dispute.

It was reasonable to expect that all the cases would be at an end before this time; but the delay has been unavoidable, considering the course of Judicial decision. Placed in this business without my previous knowledge of any such intention, I was disposed to make every reasonable exertion or sacrifice to meet the expectation of the General Assembly, and encouraged by success, I have indulged some ambition to finish it entirely, but I am constrained to request, respectfully, that some other provision be made for attention to the reservation causes. It does not suit me to continue my attention to them under existing circumstances, and I have nothing to ask except to be relieved from my present connexion with them. I have persevered because no other person was authorized to act, and I could not quit without endangering the public interests; In the same spirit I will continue my attention to the causes until the General Assembly shall have opportunity of making some other arrangement. As soon as that shall have been done, and I hope it will not be delayed, I will consider myself as having no further responsibility. The progress and condition of the whole business entrusted to me, are shewn in my reports, taken in connection, and I will forward a supplement, if necessary, as to occurrences during the continuance of my attention. It has been a source of gratification, that the gentleman engaged as an agent, to co-operate with me in this business, has performed his duties in a manner, highly satisfactory to the defendants immediately interested and to the public generally.

With sentiments of high regard I have the honor to be your most obedient servant,

PRYOR LEA.

EXHIBIT A.

1. Pathkiller's lessee vs. John Blair and James Johnston.

At July term 1834, of Supreme court at Knoxville. Judgment reversed and cause remanded to circuit court of Roane. At September term 1834, the cause was continued by affidavit in behalf of the plaintiff. At March term 1835, judgment and verdict for defendants. But a writ of Error has been prosecuted and the cause is again in the Supreme Court, for decision at the adjourned term in October, next.

2. Pathkiller's lessee vs. William Tunnel.

This cause being entirely similar to that against Blair and Johnston, it has been continued in the circuit court from time to time to abide the decision in the other cause. The defendant stood as if he had a verdict and judgment

only subject to be set aside, and of course the arrangement was favourable to the defendant and the State.

3. Coloneskee and Sannatec's lessee vs. Nancy Kennedy.

In the circuit court of McMinn county, at April term 1834. Verdict and judgment for defendant, and appeal to Supreme court, in which at July term 1834, judgment was affirmed.

4. Templin W. Ross' lessee vs. Parkison and Miller.

In the circuit court of McMinn county, at April term 1834. Verdict and judgment for defendants.

5. Gideon Morgan's lessee vs. Philo Fowler.

In the circuit court of Monroe, at November term, 1833. Verdict and judgment for defendant, and appeal to the supreme court, in which case at July term, 1834, the judgment was affirmed.

6. Isaac Vann's lessee vs. Isaac Julian and others.

In the circuit court of Monroe, at November term, 1833. Verdict and judgment for defendants.

7. James McIntosh's lessee vs. Cleaveland and others.

In the circuit court of Monroe, at November term, 1833. Verdict and judgment for defendants, and appeal to the supreme court, in which case at July term, 1834, judgment was reversed, and the cause remanded to the circuit court of Monroe; at November term, 1834, continued on affidavit in behalf of plaintiff; at May term, 1835, judgment and verdict for defendants, and appeal to the supreme court; at July term, 1835, judgment was reversed, and cause remanded to circuit court of Monroe, where it is for trial at November term.

8. Andrew Taylor's lessee vs. Gideon Morgan and others.

In the circuit court of Monroe, at May term, 1834, continued, at November term, 1834, non suit suffered, but set aside by the court at May term, 1835; non suit sufferred, and court refused to set it aside.

9. Sannatec and Neeley's lessee vs. Parris and Payne.

This is a new suit returnable to the circuit court at McMinn, at October term, 1835.

PRYOR LEA.

Knoxville, October 1, 1835.

The foregoing report was read and ordered to be transmitted to the House of Representatives.

Mr. Craighead presented the report of Edward B. Littlefield, President of the Planters Bank of Tennessee, giving a condensed statement of the affairs and condition of that institution, which was read and referred on motion of Mr. Craighead to the committee on Banks.

And then the Senate adjourned.

TUESDAY, OCTOBER 20th, 1835.

Mr. Powell presented the petition of sundry citizens of Carter county, praying a division of said county, which was on his motion referred to the committee on new counties and county lines.

Mr. Vernon, the petition of sundry citizens of McMinn county, praying for the appointment of commissioners to settle with Miller Francis, Treasurer of East Tennessee, in relation to interest paid on Hiwassee lands, which was on his motion referred to the committee on claims.

Mr. Armstrong, the petition of H. L. Hall, praying for a license to practice medicine, which was referred to the committee on propositions and grievances.

Mr. McGaughey, from the committee on propositions and grievances, to whom was referred, A bill to repeal so much of the first section of the act, passed November 26, 1833, as exempts from execution, one farm horse, mule, or yoke of oxen, reported, that the committee have had the same under consideration and had requested him to report the bill without amendment, and to recommend its passage. On motion of Mr. Powell

Ordered, that said bill and report be laid upon the table.

A message from the House of Representatives by Mr. Mitchell their clerk.

Mr. Speaker: the House of Representatives concur with the Senate's resolution, to go into the election of three commissioners or Inspectors of the Penitentiary. And also in the Senate's resolution to go into the election of Notaries Public for the counties of Davidson, Maury, McMinn and Shelby, on this day. And also in the Senate's resolution appointing a joint select committee, to notify the Hon. HUGH L. WHITE, of his nomination for the office of Chief Magistrate of the Union. And have appointed Mr. Anderson of Marion, Churchwell, Mabry, Ready, Waterson, Campbell of Smith, McLain, Searcy, Topp and Rogers of Carroll to be of said committee on their part. And then he withdrew.

Mr. Craighead submitted the following:

Resolved, by the General Assembly of the State of Tennessee, that so much of the resolution adopted by both branches of the Legislature on yesterday, as provides for the election of Notaries Public, for the counties of Davidson, Maury, McMinn and Shelby, be and the same is hereby reconsidered; and the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.

Ordered, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Morford introduced a bill, regulating practice in Chancery, which was read a first time, passed and ordered to be referred to the committee on the Judiciary.

A bill to authorise a vote to be taken for the division of Humphreys county was read a second time and passed.

A bill giving further time for surveying entries, north and east of the Congressional reservation line, and north of Tennessee river, was read a third time as amended, and passed by a unnanimous vote, upon the ayes and noes.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives nonconcur with the Senate's resolution, rescinding the resolution heretofore adopted, proposing to go into the election of Notaries Public for the counties of Davidson, Maury, Shelby and McMinn on this day. And then he withdrew.

Whereupon, Mr. Craighead moved that an insisting message be sent to the House of Representatives, again asking a concurrence, and thereupon the question was had and determined in the affirmative; ayes 22, noes 3—The ayes and noes being demanded by Mr. Trousdale seconded by Mr. Armstrong,

The affirmative voters are,

Mr. Speaker Webster, Brown, Childress, Craighead, Gordon, Graves Gray, Henderson, Hinds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—22.

The negative voters are,

Mr. Armstrong, Cahal and McGaughey—3.

And so said motion prevailed. Whereupon after the lapse of a few minutes, the following message was received from the House of Representatives by Mr. Mitchell their clerk.

Mr. Speaker: The House of Representatives again nonconcur with the proposition of the Senate to rescind so much of the resolution, heretofore adopted as provides for the election of Notaries Public, on this day, for the counties of Davidson, Maury, McMinn and Shelby; and then he withdrew.

Whereupon Mr. Craighead moved the appointment of a committee to confer with a like committee, on the part of the House of Representatives, upon the proposition of the Senate, and the motion prevailing, the speaker appointed Mr. Craighead, Cahal and Henderson, to be of said committee, on the part of the Senate.

Ordered, That the clerk acquaint the House of Representatives therewith.

Mr. Henderson introduced a bill making provisions for the final satisfaction of land warrants, and for the benefit of occupants, south and west of the Congressional reservation line; which was read a first time, passed, and referred on motion of Mr. Vernon to the committee on Public Lands.

Mr. Cahal submitted the following:

Resolved, by the General Assembly of the State of Tennessee, that Gardener Frierson and Joseph A. Walker, be and they are hereby appointed Notaries Public for the county of Maury.

Mr. Morford the following:

Resolved, by the General Assembly of the State of Tennessee, that there shall be elected by the qualified voters in each and every county in this State, one Surveyor and one Entry taker, who shall be elected at the same time and places, that other county officers are elected—And

Mr. McGaughey the following:

Resolved, That a select committee be appointed for the purpose of reporting a bill prescribing the mode of choosing electors to vote for President and Vice President of the United States.

Mr. Craighead from the select committee of conference, appointed to take into consideration, the propriety of going into the election of Notaries Public for the counties of Davidson, Maury, Shelby and McMinn, reported that the committee have had the same under consideration, and had instructed him to report, that it is inexpedient to go into those elections at this time, therefore recommend the revision of the resolution adopted by the General Assembly on yesterday, so far as it applies to the election of those officers.

The foregoing report was concurred in.

Mr. Johnson asked and obtained leave to withdraw for amendment, a bill to repeal an act, passed by the General Assembly of the State of Tennessee, on the 15th of December, 1831, entitled an act to tax the retailers of spirituous liquors and to appropriate the monies arising therefrom to the use of common schools.

A bill to amend an act passed the 5th day of November, 1833, entitled an act to regulate ferries and tolls at ferries on the Tennessee river, north of the north boundary line of the State of Alabama, was taken up read and referred to the committee on propositions and grievances.

A message from the House of Representatives by Mr. Mitchell their clerk.

Mr. Speaker: The House of Representatives concur with the report of the committee of conference, in relation to the propriety of going into the election of Notaries Public for the counties of Davidson, Maury, Shelby and McMinn. The House of Representatives are now ready to receive the Senate for the purpose of going into the remainder of the elections, set apart for this day, and then he withdrew.

The speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives, and thereupon the two Houses proceeded by joint vote, *viva voce*, to the election of a Public Printer. Washington Barrow, S. Nye, W. B. A Ramsey, Robert Craighead, Felix K. Zollicoffer & Wm. Fields, being jointly nominated by Mr. Craighead the Senator from the county of Davidson, and D. C. Gaskill being nominated by Mr. Guild the Representative from the county of Sumner, the votes of the Senate were as follows, to wit: for Barrow, Nye, Craighead, Ramsey, Zollicoffer and Fields, Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, MGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, and Vernon—24.

For. Gaskill, Mr. Trousdale—1.

The vote of the House of Representatives being taken, the speaker announced that Messrs. Barrow, Nye, Craighead, Ramsey Zollicoffer and Fields, were jointly, duly and constitutionally elected.

The two Houses proceeded in like manner to the election of three Inspectors of the Penitentiary. Wm. Carroll, John P. Erwin and Willoughby Williams, were nominated by Mr. Hickman the Representative from the county of Davidson, and there being no opposition, the vote of the Senate was unanimous for the nomination. The vote of the House of Representatives being also had, the Speaker of the Senate announced that Wm. Carroll, John P. Erwin and Willoughby Williams were duly and constitutionally elected Inspectors and Commissioners of the Penitentiary, for the ensuing two years, and thereupon the speaker and gentlemen of the Senate returned to their own chamber.

On motion of Mr. Moore,

Ordered, That the resolution providing for the laying off of this State, into districts of convenient size, for the election of Justices of the Peace and Constables, be made the order of the day, for to-morrow; and that the committee of the whole be discharged from its consideration on this day.

And then the Senate adjourned.

WEDNESDAY, OCTOBER 21st, 1835.

Mr. McGaughey submitted the following:

Resolved, That it is the sense of the Senate, that the constitution requires, that when the ayes and noes are taken on the third reading of any bill of a general character, or bills making appropriations of public monies, the name of each member, together with his vote shall be spread upon the Journal without a call from any two members and the rule being suspended, Mr. Childress submitted the following in lieu thereof.

Resolved, That the welfare of the State requires that upon the final vote, upon bills of a general character, the ayes and noes be not specially spread upon the Journal, but the entry on the Journal be, "it passed on the ayes and noes unanimously, every member being present, or absent, as the case may be, unless called for by two members as required by the constitution," and thereupon the question was had and determined in the negative—ayes 8, noes 16—The ayes and noes being demanded by Mr. Childress seconded by Mr. Love,

The affirmative voters are,

Mr. Brown, Childress, Henderson, Johnson, Love, Morford, Robertson and Trousdale, 8.

The negative voters are,

Mr. Speaker Webster, Cahal, Craighead, Gordon, Graves, Gray, Hynds, Ledbetter, McGaughey, Moore, Motley, Powell, Reagan, Rogers, Totten and Vernon,—16. And so said amendment was rejected.

The question then recurred upon the adoption of Mr. McGaughey's resolution. And the same was had and determined in the affirmative, ayes 15, noes, 9.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Moore, the affirmative voters are,

Mr. Speaker Webster, Cahal, Gordon, Gray, Hynds, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Robertson, Rogers, Totten and Vernon, 15.

The negative voters are,

Mr. Brown, Childress, Craighead, Graves, Henderson, Johnson, Love, Reagan and Trousdale, 9.

Mr. Gordon, from the committee on Banks, to whom was referred, a bill to amend an act, entitled, an act to establish the Planters' Bank of Tennessee, passed November 15, 1833—Reported, that the committee have had the same under consideration, and had instructed him to recommend the passage of the 1st section, and the rejection of the 2d section thereof.

The report so far as recommends the rejection of the 2d section of said bill was concurred with. The remainder of the bill and report were, on motion of Mr. Vernon, ordered to lie on the table.

On motion of Mr. McGaughey, the resolution heretofore submitted by him, proposing to refer the several parts of the Governor's message to their appropriate committees, was taken up, read, and referred, on his motion, to the Committee of the Whole.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The Speaker of the House of Representatives did this day sign an enrolled resolution recommending the Hon. Hu. L. White to the Presidency of the United States. And then he withdrew.

Whereupon, the Speaker of the Senate signed said enrolled resolution, and ordered it to be deposited in the office of the Secretary of State.

On motion of Mr. Moore, the Senate resolved themselves into a Committee of the Whole, Mr. McGaughey in the chair, on the Governor's message and other documents to them referred. And after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

A bill to authorize a vote to be taken for the division of Humphreys county, was read a third and last time in both Houses, passed and ordered to be enrolled.

On motion of Mr. Craighead, Ordered, That Mr. Totten be added to the committee on the Judiciary, and that Mr. Childress be added to the committee on Banks.

On motion of Mr. Reagan, Ordered, That Mr. Graves be added to the committee on Indian affairs.

A bill from the House of Representatives to incorporate Lafayette Male and Female Academies, was read a first time and passed.

On motion of Mr. Moore, the Senate again resolved themselves into Committee of the Whole, Mr. McGaughey in the chair, on the Governor's message, and other documents to them referred; and after some time spent in the discussion thereof, the committee rose, reported no progress, and asked to be discharged from the further consideration of the matters and things to them referred. Which request was granted.

The resolution heretofore submitted by Mr. McGaughey, referring the several parts of the Governor's message to their appropriate committees, was taken up, read, and amended on motion of Mr. Cahal, by changing that part of his Excellency's message relating to the appointment of a Comptroller, from a select committee to the committee on Finance.

Said resolution was further amended on motion of Mr. McGaughey, by referring so much of the message as relates to public lands, to the committee on that subject.

The resolution was thereupon read as amended, and adopted.

A bill to amend the criminal laws of this State, was, on motion of Mr. Trousdale, referred to the committee on the Judiciary.

A bill to amend the laws of this State, regulating the bringing of suits upon Sheriff's bonds, was read a third time. And the question upon its passage being had, it was determined in the affirmative—ayes 24, noes —.

The ayes and noes being called, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

And so said bill passed its third reading, and was ordered to be transmitted to the House of Representatives.

And then the Senate adjourned.

THURSDAY, OCTOBER 22d, 1835.

Mr. Johnson returned without amendment, a bill to repeal an act passed by the General Assembly of the State of Tennessee, on the 15th December, 1831, entitled an act to tax the retailers of spirituous liquors, and to appropriate the moneys arising therefrom to the use of common schools.

Said bill was read, and referred, on motion of Mr. Vernon, to the committee on Propositions and Grievances.

Mr. Henderson presented the petition of sundry citizens of the counties of Tipton, Dyer and Haywood, for a new county, which was, on his motion, referred to the committee on new counties and county lines.

A bill from the House of Representatives to amend the charter of the Nashville, Murfreesboro' and Shelbyville Turnpike Company—and a bill to open a turnpike road from Shelbyville (via Fayetteville) to the Alabama line, were severally read a first time and passed.

The resolution heretofore submitted by Mr. Graves, proposing to appoint a joint select committee to lay off the different counties in this State into districts of convenient size, for the purpose of electing Justices of the Peace and Constables, was taken up and read. In lieu of which,

Mr. Craighead submitted the following, to wit:

Resolved, by the General Assembly of the State of Tennessee, That a commissioner shall be appointed in each county of this State, who shall be authorised and required to lay off the county to which he is appointed, in districts of convenient size, so that there shall not be more than twenty-five districts in the county, nor more than four for every one hundred square miles.

Resolved, That in laying off said districts, said commissioners shall have a due regard to territory and to population, so as to suit the convenience of the inhabitants of each district in the jurisdiction of the justices of the peace, their constables and their schools.

Resolved, That in laying off said districts, said commissioners shall plainly mark the corners of each district, and run and mark the boundaries of the same, unless where there are natural boundaries, by which they are so limited, that by reference to them it may be distinctly and readily known to what division every parcel of taxable land belongs.

Resolved, That said commissioners be also instructed and required to ascertain all the taxable lands, held by deed, grant, or entry, in each of the divisions of the county by them respectively divided. Also, the number of town lots within each of said districts, and all the slaves between the ages of 12 and 50 years; and also the value of said lands, lots and slaves, in such manner as the Legislature may direct; and to report their said divisions, and such lists of taxable property and valuation, to this General Assembly, with all the expedition which is consistent with accuracy.

Resolved, That for carrying the foregoing resolution into complete effect, said commissioners be authorised to employ as many assistants as they may find respectively necessary:

Resolved, That for such service, said commissioners shall receive each, the sum of per day, together with a reasonable compensation for such agents as he may find necessary to employ.

On motion of Mr. Cahal, the said resolution and foregoing amendments were ordered to the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives nonconcur with the amendment proposed by the Senate, to a bill giving further time for surveying entries, north and east of the Congressional reservation line, and north of the Tennessee river. And then he withdrew.

Mr. Cahal submitted the following:

Whereas, our much esteemed fellow citizen, and late Secretary of State, General Sam'l G. Smith, heretofore an able and efficient member of the Senate, has departed this life since the last session of the General Assembly:—And the members of the Senate, entertaining a high regard for his many private virtues and eminent public services; and being desirous to render a just tribute of respect to his memory: do adopt and order the following resolutions to be placed on the Journals of the Senate, as an evidence of the high estimation in which they and their constituents hold the character of the late Secretary of State.

Resolved, That the members of this Senate do deeply deplore the death of Gen. Sam'l G. Smith, whose services as an officer in the late war, as a legislator, and as Secretary of State, have secured to him a high regard in the affections of the people of the whole State; and whose polite and amiable demeanor, has endeared him to all with whom he has had intercourse, or has been in any manner connected, either as a private or public man.

Resolved, That his untimely death is regarded by the Senate as a public loss, which it will be difficult to repair.

Resolved, That the Speaker of the Senate communicate a copy of the foregoing preamble and resolutions to James W. Smith, of Jackson county, the father of the lamented deceased; and assure him that in his late afflicting bereavement, he has the condolence of the whole people of Tennessee.

Mr. Ledbetter moved a suspension of the rule requiring resolutions to lie one day on the table. Which motion prevailing, Mr. Powell moved the adoption of the preamble and resolutions—which was carried *nemine contradicente*.

Mr. Craighead from the committee of enrollments, reported as correctly enrolled, an act to appoint additional commissioners to Wm. P. Gillett's turnpike road, in Cocke county.

Said act was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

And then the Senate adjourned.

FRIDAY, OCTOBER 23d, 1835.

Mr. Henderson presented the petition of sundry citizens of Tipton and Dyer counties, praying for a new county. Which was referred, on his motion, to the committee on new counties and county lines.

On motion of Mr. Ledbetter, Mr. Henderson was added to the committee on new counties and county lines.

Mr. Johnson moved the appointment of a committee of conference on the amendment proposed by the Senate, in lieu of "a bill giving further time for surveying entries north and east of the Congressional reservation line, and north of Tennessee river; and said motion prevailing,

The speaker appointed Mr. Johnson, Robertson and Powell, to be of said committee on the part of the Senate.

Ordered, That the clerk acquaint the House of Representatives therewith.

Mr. Henderson introduced a bill to amend the revenue laws of this State, and for other purposes. Which was read a first time and passed.

A bill to amend the charter of the Nashville, Murfreesboro' and Shelbyville turnpike company—and a bill to incorporate Lafayette Male and Female Academies, were severally read a second time and passed.

Mr. Moore asked and obtained leave to withdraw for amendment, a bill to incorporate a company to open a turnpike road from Shelbyville, via Fayetteville, to the Alabama line.

On motion of Mr. Craighead, Ordered, That the resolution heretofore submitted by Mr. Graves, together with the amendment by him submitted in relation to the laying off of the several counties in this State into districts of convenient size, for the purpose of electing justices of the peace and constables, and for other purposes, were referred to the committee of the whole.

Mr. Ledbetter submitted the following:

Resolved, That the different counties in this State shall be laid off into districts, according to the amended constitution, in the same manner the present militia companies were laid off, by commissioners to be appointed by the different county courts, or by this Legislature.

Resolved, That it is inexpedient to have a commissioner or commissioners appointed to assess the value of the taxable property; but that each individual subject to taxation, shall be required to give in his taxable property, as heretofore, and to estimate the value thereof.

Mr. Graves the following:

Resolved, by the General Assembly of the State of Tennessee, That the justices of the peace of each county in this State, at the first county court immediately after the first day of January, a majority being present, shall proceed to lay off their respective counties into districts of convenient size, for the purpose of electing justices of the peace and constables; and if a majority should not be present, those that are present, shall appoint two commissioners in each battalion, who shall meet at the court house in their respective counties, at a day appointed by said justices of the peace, not more than ten days after the rise of said court; and so proceed to lay off the county into districts, as follows:—Each district shall be laid off in such manner as may best

suit the convenience of the people of said districts: Provided, that no district shall contain more than one hundred, nor less than twenty-five square miles, except districts including county towns: Provided, also, that no district shall include more than three hundred, nor less than one hundred and fifty qualified voters; except where a part of a county is so thinly settled, that there will not be one hundred and fifty voters in a district of one hundred square miles; then said part of the county may be laid off in any manner to suit the convenience of the people of said part of the county, not inconsistent with the Constitution.

And Mr. Reagan the following:

Resolved, That in the division of the several counties of this State into districts of convenient size, for the purpose of electing justices of the peace and constables therein, that two captain's companies be included in one district; and the lines designating said companies, shall be the boundaries of the district.

And the rule requiring resolutions to lie one day on the table, being suspended, the said resolutions were severally read, and referred to the committee of the whole.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The House of Representatives concur with the Senate's proposition to appoint a committee of conference, on the bill and amendment giving further time for surveying entries north and east of the Congressional reservation line, and north of Tennessee river; and have appointed Mr. Cullom, Woodfolk, Powell, Wright and Northcutt, to be of said committee on their part.

A bill vesting the county court of each county with a discretionary power to have the minutes and other records of the court transcribed into a well bound book, where the same has not heretofore been done—was taken up, read a second time and passed.

Received from the House of Representatives, the following communication from Thomas Crutcher, Treasurer of West Tennessee:

TREASURER'S OFFICE, 22d October, 1835.

In obedience to a resolution adopted by the House of Representatives on the 19th inst. the Treasurer of Middle Tennessee begs leave to report, that he has not received of the Union Bank, any portion of the bonus or of the dividends upon stock, due to the State from that institution. The grounds upon which the Bank withholds the annual bonus, the payment of which is stipulated in its charter, are not unknown to the General Assembly. The right to retain those funds is still asserted; and the undersigned desired, under the provisions of the act of 1833, to have instituted a suit before the proper tribunals, in order to have settled the controversy judicially; but meeting with unexpected difficulties in engaging the service of counsel, whose professional skill and ability, would, in his opinion, answer the importance of the principle in dispute, he deemed it most prudent to postpone legal proceedings, and to await the further consideration and action of the General Assembly.

All of which is respectfully submitted.

THOMAS CRUTCHER, Treasurer.

On motion of Mr. Cahal, Ordered, that the foregoing communication be referred to the committee on education and common schools.

The Senate resolved themselves into committee of the whole, Mr. McGaughey in the chair, on the various resolutions to them referred, and after some time spent in their discussion, the committee rose, reported progress, asked and obtained leave to sit again.

Mr. Johnson, from the joint select committee to whom was referred the bill giving further time for surveying entries north and east of the Congressional reservation line, and north of Tennessee river—reported that the committee have had the same under consideration—propose striking therefrom the words "from and after the passage of this act," and substituting therefor the following:—From the 8th day of October, 1835, and until the rise of the next General Assembly of this State. And with that amendment, had instructed him to recommend the passage of the bill.

The said report was concurred with, and the amendment made, and the bill ordered to be transmitted to the House of Representatives for their concurrence.

A bill to amend an act entitled an act to establish the Planters' Bank of Tennessee, passed Nov. 15, 1833, was read a second time and passed.

Mr. Hynds submitted the following:

Resolved, That in laying off the counties of this State into districts, for the purpose of electing justices of the peace and constables, in each county where there are not more than twenty-five captain's companies, each captain's company as at present laid off, shall constitute a district, and shall be entitled to elect two justices of the peace and one constable.

Mr. Childress submitted the following:

Resolved, That it is expedient that a law be passed, requiring the justices of the peace in the several counties to lay off their counties into districts of convenient size, regarding population and territory jointly.

Resolved, That the justices of the peace be required to receive lists of taxable property in their districts.

Resolved, That the justices of each district be required to keep a book, in which shall be recorded every individual in the bounds of his or their district, liable to pay tax.

Resolved, That the justice, when making his report of the list of taxables, as given to him in his district, shall also report to the clerk, the names of every delinquent in his district.

Resolved, That it shall be the duty of the clerk to deliver over to the Sheriff at the time of delivering the tax book, a copy of the delinquents in each district, as reported by the justice.

Resolved, That each individual be the assessor or valuer of his own property, when he lists the same with the justice.

Mr. Gordon submitted the following:

Resolved, That a law be passed, appointing not less than five, nor more than seven commissioners in each county, whose duty it shall be to lay off the respective counties into justices districts; and in laying off said districts, shall be governed by population and territory combined, so as to conform as near as may be, to an equal division of political power.

Resolved, That in laying off said districts, no district shall be of less contents than twenty five square miles, nor shall any district contain less than qualified voters.

Resolved, That in laying off said districts, the commissioners shall have due regard to the topographical situation of the country, and convenience of the people.

Resolved, That said commissioners be allowed dollars per day, for their services.

Mr. Powell submitted the following:

Resolved, That the justices of the peace in the bounds of the different districts in the several counties of this State, shall assess the value of the taxables within their respective bounds or districts.

The rule requiring resolutions to lie one day on the table being suspended, the said resolutions were severally read, and referred to the committee of the whole.

The resolution heretofore submitted by Mr. Trousdale, providing that the call of the previous question shall not be in order until each and every member, whomay wish to debate any matter before the Senate, shall have spoken once—was taken up and read; and during the pendency thereof,

Mr. Hynds moved an adjournment. Which prevailed.

And so the Senate adjourned.

SATURDAY, OCTOBER 24th, 1835.

Mr. Love presented the petition of George W. Rogers, of Obion county, asking permission to hawk and peddle without license. Which was read, and referred to the committee on propositions and grievances.

Mr. Craighead presented the report of the President and Directors of the Union Bank. Which was referred, on his motion, to the committee on Banks.

Mr. Trousdale introduced a bill to prohibit prosecutions for criminal offences, committed within the State of Tennessee, prior to the time when the act of 1829 (known by the name of the criminal code of Tennessee,) went into operation.

Which was read a first time and passed.

Mr. Love submitted the following:

Resolved, That the committee on internal improvements be directed to enquire into the propriety of clearing out the obstructions in the main Obion river, and its different forks; and report by bill or otherwise.

And also the following:

Resolved, That the sittings of the committee of the whole shall hereafter be in the afternoon.

Mr. Totten the following:

Resolved, That one commissioner be appointed for each county, to lay off said counties into districts of convenient size, not less than twenty-five in any county, nor more than four for every one hundred miles.

Resolved, That in laying off said districts, said commissioners shall pay

respect to territory and to population, so as best to promote the convenience of the inhabitants; and the corners of each district so to be laid off, shall be plainly marked, and the boundaries shall be accurately designated by natural objects, or roads, or marked lines.

Resolved, That said commissioners shall be authorised to employ as many agents and assistants as may be necessary to enable them to discharge the above prescribed duties, and to make their report to the present session of the Legislature.

Resolved, That one commissioner of the revenue be appointed for each county in this State; and that the duty of said commissioners shall be to obtain correct lists of all the taxable lands and town lots, and slaves between the ages of 12 and 50 years, and of the value of each; and a correct list of all the white polls within the county for which said commissioners may be respectively appointed.

Resolved, That in making out said lists, said commissioners shall designate the county division in which each white poll resides, and to which each tract of land and each slave belongs. And the rule being suspended, said resolutions were, on motion of Mr. Totten, referred to the committee of the whole.

The resolution heretofore submitted by Mr. McGaughey, appointing a select committee to prepare and report a bill prescribing the manner of choosing electors to vote for President and Vice President of the United States, was taken up, read and adopted.

The speaker appointed Mr. McGaughey, Henderson, Robinson, Vernon, Ledbetter, Childress and Trousdale, the said committee.

Mr. Henderson introduced a bill to establish the county of Lauderdale—which was read a first time, passed, and referred, on motion of Mr. Ledbetter, to the committee on new counties and county lines.

On motion of Mr. Trousdale, the Senate resumed the consideration of his resolution, prohibiting the call of the previous question, upon any subject under debate, until after each member who may wish to address the Senate, shall have spoken once. And after some discussion, Mr. Powell moved the previous question. Which motion being sustained, the question was had upon the adoption of the resolution, and determined in the negative—ayes 7, noes 18.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Love, the affirmative voters are,

Mr. Brown, Craighead, Love, Moore, Reagan, Totten and Trousdale—7.

The negative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Morford, Motley, Powell, Robertson, Rogers and Vernon—18.

And so said resolution was negatived.

Mr. Love introduced a bill to lay off the several counties of this State into districts of convenient size for the election of justices of the peace and constables, and for other purposes.

Which was read and referred to the committee of the whole.

A bill to amend the charter of the Nashville, Murfreesborough, and Shel-

byville turnpike company, was read a third and last time in both houses, passed, and ordered to be enrolled.

Mr. Trousdale moved an adjournment until Monday morning. And thereupon the question was had, and determined in the affirmative—ayes 16, noes 9.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Vernon, the affirmative voters are,

Mr. Brown, Cahal, Craighead, Gordon, Henderson, Hynds, Johnson, Love, Moore, Morford, Motley, Reagan, Robertson, Rogers, Totten and Trousdale —16. The negative voters are,

Mr. Speaker Webster, Armstrong, Childress, Graves, Gray, Ledbetter, McGaughey, Powell and Vernon—9.

And then the Senate adjourned.

MONDAY, OCTOBER 26th, 1835.

Mr. Gordon presented returns from the clerks of the county and circuit courts of Wayne county for the years 1833, 1834 and 1835. Which were referred to the committee on finance.

Mr. Moore from the committee on Privileges and Elections, to whom was referred a bill to provide for the election of Sheriffs, Registers, Trustees and Clerks for the several counties in the State of Tennessee—reported that the committee have had the same under consideration, and had instructed him to report an amendment in lieu of the whole from the enacting clause.

On motion of Mr. Moore, the said bill and report were ordered to the table.

Mr. Hynds from the committee on Internal Improvements, to whom was referred a bill to authorize William C. Roadman to build a toll bridge across French Broad river, near Newport, in Cocke county—reported that the committee have had the same under consideration, and had instructed him to report an amendment thereto, and with the amendment, to recommend its passage. On motion of Mr. Craighead, the said bill and amendment were ordered to the table.

A bill to establish the county of Lauderdale, was on motion of Mr. Ledbetter, referred to the committee on new counties and county lines.

A bill vesting the county courts with discretionary power to have the minutes and other records of the court transcribed into a well-bound book, where the same has not heretofore been done, was amended on motion of Mr. McGaughey, by striking therefrom, the words, "at the first or second term after the first day of January next," and substituting therefor the words, "at the first or second term after the first election of justices of the peace by the people."

Said bill was then read a third time as amended. And the question being had upon its passage, it was determined in the affirmative—ayes 17, noes 2.

The affirmative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Childress, Craighead, Gordon, Graves, Henderson, Hynds, Ledbetter, McGaughey, Moore, Powell, Reagan, Rogers, Totten and Vernon —17.

The negative voters are, Mr. Gray and Robertson—2.

Received from the House of Representatives—an enrolled bill, entitled an act to amend the charter of the Nashville, Murfreesboro' and Shelbyville turnpike company. Which was signed by the speaker, and ordered to be deposited in the office of the Secretary of State.

Received from the House of Representatives, by Mr. Mitchell, their clerk, the following report of the Inspectors of the Penitentiary, to wit:

REPORT

Of the Inspectors of the Tennessee Penitentiary, to the Twenty-First General Assembly:

To the General Assembly of the State of Tennessee, convened at Nashville:

The keeper of the Penitentiary would ask leave to lay before your honorable body the following statement of the transactions of the prison, showing the amount of receipts and expenditures, the number of prisoners confined, the various branches of business carried on, the number employed in each branch, together with a general view of the financial concerns of the prison for the two years ending 30th September, 1835.

Income from 30th Sept. 1833, to 30th Sept. 1835.

SHOE DEPARTMENT.

Sept. 30th, 1833,	Leather on hand,	$52	50	
"	Shoes on hand,	218	00	
"	Tools & fixtures on hand,	96	75	
"	Stock, &c. since purchased,	4675	68	$5042 93
Received and charged for work done, and articles sold, pertaining to this department, from Sept. 30th, 1833, to Sept. 30th, 1835,		5696	65	
Sept. 30th, 1835,	Raw materials on hand,	747	97	
"	Tools and fixtures on hand,	92	87	6537 49
Exceeding the disbursement on account of this department,				$1494 56

COOPER'S DEPARTMENT.

Sept. 30th, 1833,	Stock, &c. on hand,	$178 96		
"	Cooper's ware on hand,	32 13		
"	Tools and fixtures on hand,	35 00		
"	Stock, &c. since purchased,	935 74	$1181 83	
Received and charged for work done and articles pertaining to this department from 30th September, 1833, to 30th September, 1835,		1577 61		
Sept. 30th, 1835,	Stock, &c. on hand,	187 00		
"	Cooper's ware,	207 08		
"	Tools and fixtures,	96 62	$2068 31	
Exceeding the disbursements on account of this department,			$886 48	

TAILOR'S DEPARTMENT.

Sept. 30th, 1833,	Finished work on hand,	$32 00		
"	Tools and fixtures,	36 00		
"	Stock, &c. since purchased,	250 38		
"	Superintendant & Instructor's salary	675 00	$993 38	
Received and charged for work done and articles sold, from 30th September, 1833, to 30th September 1835,		$1507 25		
Sept. 30th, 1835,	Materials and finished work on hand	65 91		
"	Tools and fixtures on hand,	42 50	$1615 66	
Exceeding disbursements on account of this department,			$622 28	

STONE DEPARTMENT.

Sept. 30th, 1833,	Tools and fixtures on hand,	$139 57		
"	Monuments and Tombstones,	693 50		
"	Stone, &c. on hand,	244 00		
"	Stone, &c. since purchased,	2384 51	$3461 58	
Received and charged for work done and articles sold, from 30th September, 1833, to 30th September 1835,		$4359 81		
Sept. 30th, 1835,	Stone, &c. on hand,	2015 00		
"	Finished tombs, &c.	1240 99		
"	Tools and fixtures,	288 25	$7904 05	
Exceeding the disbursements on account of this department,			$4542 47	

HATTER'S DEPARTMENT.

Sept. 30th, 1833,	Hats on hand,	$2015 00		
"	Stock, &c. including carding machine	485 00		
"	Tools and fixtures,	255 00		
"	Materials, &c. since purchased,	3342 02	$6097 02	
Received and charged for work done, and articles sold from 30th September, 1833, to 30th September 1835,		$8582 78		
Sept. 30th, 1835,	Raw materials and manufactured articles on hand,	1099 79		
"	Fixtures, &c. including carding machine on hand,	994 96	$10,677 23	
Exceeding the disbursements on account of this department,			$4,580 21	

BLACKSMITH'S DEPARTMENT.

Sept. 30th, 1833,	Stock on hand,	$498 25		
"	Finished work,	224 00		
"	Tools and fixtures,	255 00		
"	Stock since purchased,	7,923 72	$8,900 97	
Received and charged for work done and articles sold from 30th September 1833, to 30th September 1835,		$10,104 29		
Sept. 30th, 1835,	Stock and finished work on hand	3,896 50		
"	Tools, &c. on hand	550 00	$14,550 79	
Exceeding the disbursements on account of this department,			$5,649 82	

WAGON MAKER'S DEPARTMENT.

Sept. 30th, 1833,	Stock on hand,	$318 00		
"	Finished work on hand,	271 00		
"	Tools and shop fixtures,	110 00		
"	Stock since purchased,	2,270 28	$2,969 28	
Received and charged for work done and articles sold from 30th September, 1833, to 30th September 1835,		$4894 55		
Sept. 30th, 1835,	Finished work on hand,	450 00		
"	Raw materials,	690 25		
"Tools and fixtures,		195 25	$6,230 55	
Exceeding the disbursements on account of this department,			$3,271 55	

CARPENTER'S DEPARTMENT.

Sept. 30th, 1833,	Materials, &c. on hand,		$34 00		
"	Finished work on hand,		104 00		
"	Tools and shop furniture,		150 00		
"	Materials, &c. since purchased,		2,142 61	$2,430	61
Received and charged for work done and articles sold, from 30th September, 1833, to 30th September 1835,			$4,064 11		
Sept. 30th, 1835,	Manufactured articles on hand,		643 72		
"	Raw materials,		393 13		
"	Tools and fixtures,		275 12	$5,376	08
Exceeding disbursements on account of this department,				$2,945	47

CHAIR, TURNING AND PAINTING DEPARTMENT.

Sept. 30th, 1833,	Materials on hand,		$60 20		
"	Unfinished work on hand,		105 75		
"	Tools and shop fixtures,		140 12		
"	Stock, &c. since purchased,		543 32	$849	29
Received and charged for work done, and articles sold, from 30th September, 1833, to 30th September 1835,			$1,491 21		
Sept. 30th, 1835,	Manufactured and raw materials on hand,		204 75		
"	Tools and shop fixtures on hand,		125 00	$1,820	96
Exceeding disbursements on account of this department,				$971	67

EXPENSE ACCOUNT.

For amount expended for medicines, fuel, stationery, clothing of convicts, and other incidental expenses incurred from 30th September, 1833, to 30th September, 1835,			$5,453	73
By cash received on expense account,	$261 48			
By amount Hospital stores on hand Sept. 30, 1835,	100 87			
By 110 cords of wood on hand 30th Sept. 1835,	220 00	$582	35	
		$4,871	38	

RECAPITULATION.

INCOME.		EXPENDITURES.	
Shoe department,	$1494 56	Expenses,	$4871 38
Cooper's department,	886 48	This amount received of Tho. Crutcher, Esq. Treasurer of West Tennessee,	5600 00
Tailor's department,	622 28		
Stone department,	4592 00		
Hatter's department,	4580 21		
Blacksmith's department,	5649 82	Balance due keeper, 30th September, 1835,	6133 16
Wagon maker's departm't	3271 55	Due sundries,	2959 70
Carpenter's department,	2945 47		
Chair, turning and painting department,	971 67		
Increased balance of property	777 75		
Notes and book accounts due the prison,	10304 02	Balance,	16531 57
	$36,095 81		$36095 81

STATEMENT OF PROPERTY.

Amount of property on hand, 30th Sept. 1833,			$1057 75
Sept. 30th, 1835, 104 berths, mattrasses, and cell furniture, at $10 87½,		$1131 00	
"	1 wagon, 2 carts, 1 dray and 3 horses,	402 50	
"	7 stoves and stove-pipes, 1 cooking stove, and cooking utensils,	277 00	
"	Tables and table furniture,	25 00	1835 50
Increased balance on hand, 30th September, 1835,			$777 75

JOHN M'INTOSH, AGENT AND KEEPER,

In account with the Penitentiary,

To this amount received of Thomas Crutcher, Esq. Treasurer of West Tennessee, from 30th September 1833, to 30th September, 1835,	$5600 00	
To amount received for articles sold from 30th September, 1833, to 30th September, 1835,	$16797 74	$22397 74
By this amount paid sundries as per vouchers, including all salaries of officers, victualling of convicts, &c. from 30th September, 1833, to 30th September 1835,		$28530 90
Balance due Keeper,		$6,133 16

Below, you have a Statement of the number of Convicts discharged by expiration of sentence, from 30th September, 1833, to 30th September, 1835—their names, ages, where convicted, the crime, date of conviction, term of sentence, &c. &c.

Names.	Age	Where convicted.	Crime.	When convicted.	Term.	When discharged.	Conduct.
William H. Crawford	21	Rhea	Grand Larceny	April 16, 1831	3 years	July 4, 1834	Bad.
William Lefever	28	Franklin	Forgery	July 19, "	3 "	Nov. 1, "	Exceptionable.
James Gibbins	18	Jefferson	Passing counterfeit coin	Aug. 1, "	3 "	Aug. 25, "	Good.
William Sexton	25	Roane	Horse stealing	Sept. 29, "	3 "	Oct. 18, "	"
Edwin Clark	37	Robertson	Petit larceny	Oct. 16, "	2 "	Jan. 5, "	Exceptionable.
Elisha Cole	42	Wilson	Stealing promissory notes	Oct. 31, "	3 "	Nov. 1, "	"
Riley Chappell	34	Maury	Stabbing	Nov. 27 "	2 "	Nov. 27, 1833	Good.
Thomas Terrell	35	"	Stabbing	" " "	2 "	" "	"
William Swafford	30	Monroe	Having stolen horses in possession	Dec. 3, "	3 "	Jan. 1, 1835	Exceptionable.
David Claxton	30	Bedford	Passing counterfeit bank bills	Dec. 12, "	3 "	Jan. 15, "	"
Charles T. Broughton	27	Franklin	Petit larceny	Jan. 23, 1832	2 "	March 30, 1834	"
Francis Smith	22	Will'mson	Grand larceny	Feb. 29 "	3 "	Feb. 28, 1835	"
James R. Tarlton	31	Greene	Grand larceny	March 18, "	3 "	Jan. 29, "	Generally good.
James Barker	17	Roane	Grand larceny	" " "	3 "	Jan. 9, "	"
Thomas Sherrod	23	Sullivan	Passing counterfeit coin	April 12, "	3 "	July 21, "	Exceptionable.
Joseph Thompson	25	Robertson	Petit larceny	April 16, "	3 "	April 23, "	"
Robert S. Yancy,	27	Maury	Stabbing	May 6, "	2 "	May 6, 1834	Generally good.
Henry P. Morgan	27	McMinn	Forgery	May 18 "	3 "	June 10, 1835	"
Joseph Blackewell	31	Monroe	Having stolen horses in possession	June 6 "	3 "	July 30, "	"
Jacob Bradley	45	Davidson	Petit larceny	Sept. 4, "	2y 6mo	Jan. 12, "	Exceptionable.
John W. Williams	20	"	Petit larceny	" " "	1 year	March 9, 1834	Bad.
Daniel Fulwood	21	"	Petit larceny	" " "	2 "	June 11, "	Good.
Eli Adams	21	Monroe	Having stolen horses in possession	July 21, "	3 "	Sept. 13, 1835	"
George Herndon	37	Franklin	Altering cotton receipts	July 23, "	3 "	July 23, "	"
Westly Warren	18	Lawrence	Petit larceny	Sept. 4, "	1 "	Nov. 7, "	Exceptionable.
Allen Webster	25	Jackson	Petit larceny	Oct. 13, "	1 "	Oct. 13, "	Good.
John J. Green	22	McMinn	Petit larceny	Nov. 11, "	2 "	Jan. 1, "	Bad.
Henry Lazenburgh	22	Hardin	Maiming	Nov. 23, "	2 "	Jan. 12, "	Exceptionable.

James Campbell	22	Davidson	Petit larceny	Dec. 5, "	1y 6mo	Aug. 28, 1834	Exceptionable.
Devenport Wiseman	40	Blount	Manslaughter	Feb. 19, 1833	2 years	March 20, 1835	"
Isham Connor	41	Gibson	Stabbing	Feb. 23, "	2 "	March 27, "	"
John N. Chapman	21	McMinn	Petit larceny	May 5, "	1 "	May 15, 1834	Good.
Jackson J. Swaggerty	25	Monroe	Petit larceny	" " "	1 "	" "	"
William Tinsley	26	Davidson	Petit larceny	May 25, "	1y 3mo	Sept. 3, "	"
Hiram Johnson	30	Will'mson	Petit larceny,	July 6, "	1 year	Sept. 29, "	Exceptionable.
Moses A. Nelson	34	Cocke	Petit larceny	July 25, 1834	1 "	Jan. 24, 1835	Good.
John King	31	Fentress	Petit larceny	March 11, "	1 "	March 15, "	"
Samuel Chamberlain	35	Davidson	Petit larceny	June 17, "	1 "	June 20, "	"
James Conner	15	Overton	Petit larceny	Sept. 16, "	1 "	Sept. 25, "	Bad.
Thomas Webb	19	Knox	Grand larceny	March 15, 1832	3 "	Sept. 20, "	"

Statement of Deaths, Pardons, Discharges by the Court of Error and Appeals, and Escapes, from 30th September, 1833, to 30th September, 1835.

Names.	Age	Where convicted.	Crime.	Time.	Date of conviction.	Diseases of which they died.	Conduct.
James T. Wilson	23	Maury	Perjury	3 years	Nov. 27, 1831	Died of chron. diarrhœa, Nov. 16, 1833	Good.
Willis Clement,	30	Giles	Passing Counterfeit Bank Bills	3 "	Aug. 24, 1832	" " chron. diarrhœa, Oct. 26, "	Excep.
David Cole	38	Lincoln	Horse Stealing	5 "	Oct. 13, 1831	" cholera, July 6, 1835	Bad.
Josiah Lander	21	Carroll	Burglary	3 "	" 23, "	" chron. diarrhœa, Oct. 26, 1833	Good.
John Wright	31	Davidson	Grand Larceny	3 "	Nov. 10, 1833	" suddenly of a fit, Aug. 17, 1834	"
John Brandon	17	Lawrence	Burglary	3 "	Sept. 10, "	" cholera, July 1, 1835	"
Archibald Porter	21	Hamilton	Horse Stealing	4 "	Oct. 28, "	" " 2 "	"
Francis McCarpin	19	Maury	Grand Larceny	3 "	Nov. 10, "	" June 30, "	Very bad
Green White	21	Davidson	Stabbing	5 "	Dec. 17, "	" July 5 "	Good.
William Miller	19	Roane	Grand larceny	2 "	April 15, 1834	" June 30, "	"
James Denton	24	Perry	Petit Larceny	2 "	March 28, "	" July 4, "	Bad.
James B. Ivey	33	Monroe	Forgery	3 "	June 5, "	" " 7, "	Good.
John Maury	34	"	Petit Larceny	1y3mo	" "	" " 1, "	"
John D. Padgett	31	Overton	" "	1 year	Sept. 16, "	" June 30, "	"
Nicholas Browder	21	Washington	" "	2 "	" 24, "	" July 11, "	Bad.
John Bond	24	Perry	" "	1 "	Oct. 14, "	" July 2, "	Good.
James Harris	35	Maury	Grand "	3 "	Nov. 7, "	" July 1, "	"
John A. Dean	27	Campbell	Petit "	3 "	" 8, "	" June 27, "	"
James Wilson	50	Maury	Forgery	3 "	" 7, "	" June 30, "	"
Hugh Lenox	25	Haywood	Horse Stealing	3 "	Jan. 16, "	" July 9, "	"
Avery Mayfield,	24	Warren	Petit larceny	1y 6mo	Feb. 10, "	" June 30, "	Bad.
Thomas Butcher, (negro)	38	Washington	" "	1 year	Mar. 25, "	" July 3, "	Good.
James Roberts	40	Perry	Having in his possession counterfeit bank bills	3 "	April 16, "	" June 30, "	"
Thomas Biggs	17	Hawkins	Manslaughter	1 year	April 21, 1835	" " June 30, "	Good.
Thomas Prewett	57	"	Petit larceny	1 "	" " "	" June 30, "	"

Samuel D. Pugh	21	Marion	" "	1 "	" 23, "	" " June 30, "	"
William McNeilly	30	Campbell	" "	1 "	May 11, "	" " July 4, "	"
William Cox	28	Bedford	" "	2 "	June 11, "	" " July 4, "	"
Francis Booby (colored)	53	Madison	Rec'ving stolen goods	3 "	May 24, 1834	" consumption, May 9, 1834,	"
Joseph Collins	28	Franklin	Horse stealing	6 "	Jan. 23, 1831	" chronic diarrhœa, Sept. 15, 1835,	Bad.
Willis Walton	21	Maury	Forgery	3 "	Nov. 10, 1833	Discharged by court of Appeals, April 8, 1834,	
John Minor	56	Lincoln	Manslaughter	8 "	Sept. 27, 1834	Pardoned Feb. 21, 1835. Put in the hospital on his reception, and there remained until pardoned.	
Charles T. Davis	21	Giles	Horse stealing	3y 6mo	Aug. 8, "	Escaped Friday night, 12th June, 1835	

Statement of Prisoners.

Whole number of prisoners in confinement 30th Sept. 1833,	67	Discharged by expiration of sentence from 30th Sept. 1833, to 30th September, 1835,	40
Since received—		Deaths—	
White males,	95	White males, 29	
Colored,	3—98	Colored, 1—30	
		Escaped,	1
		Discharged by court of Appeals,	1
		Pardoned,	1
		Whole no. now in confinement,	92
Total,	165	Total,	165

The above 92 Convicts were employed 30th September 1835, as follows, to wit:

In Shoe shop,	8	Forward,	66
Cooper's department,	4	In Carpenter's department,	6
Tailors,	8	Chair turning and painting,	3
Stone,	12	Tending on shops,	3
Hatters,	10	Cooking & tending on hospital,	6
Blacksmiths,	14	Sick,	8
Wagon makers,	6		
	66	Total,	92

Offences of which they were convicted.

For murder in the second degree,	3	Forward,	46
Voluntary manslaughter,	6	For Petit larceny,	28
Assault and battery, with intent to kill,	2	Burglary,	4
Assault, with intent to kill,	1	Forgery,	5
Shooting,	1	Passing counterfeit bank bills,	3
Stabbing,	3	Having in possession counterfeit bank bills,	2
Maiming,	1	Making counterfeit coin,	1
Negro stealing,	2	Opening jail & releasing pris'ner,	1
Horse stealing,	13	Perjury,	1
Having stolen horses in posses'n	1	Incest,	1
Grand larceny,	13		
		Total,	92
Total,	46		

Ages of Convicts when committed.

Under 20 years of age,	11	Forward,	83
From 20 to 25,	27	From 40 to 50,	8
25 to 30,	17	60 to 65,	1
30 to 40,	28		
	83	Total,	92

List of Sentences.

For 21 years,			1	Forward,			27
20	"		1	For 4 years 6 months,			1
15	"		2	4	"		4
10	"	8 months,	1	3	"	6 months,	1
10	"		2	3	"		35
9	"		1	2	"	6 months,	3
8	"	6 months,	1	2	"		8
8	"		3	1	"	10 months,	1
6	"		6	1	"	6 "	2
5	"	6 months,	1	1	"	2 "	1
5	"		8	1	"		9
			27	Total,			92

Counties in which they were convicted.

In Blount county,	3	Forward,	44
Bedford,	6	In Knox county,	3
Cocke,	1	Lincoln,	2
Carroll,	1	Lawrence,	1
Claiborne,	4	M'Minn,	2
Carter,	2	Maury,	3
Davidson,	4	McNairy,	1
Dickson,	1	Monroe,	8
Franklin,	1	Madison,	3
Fayette,	3	Perry,	1
Giles,	3	Robertson,	2
Green,	1	Rutherford,	3
Henderson,	4	Roane,	2
Hardin,	3	Rhea,	1
Henry,	3	Smith,	1
Humphreys,	1	Shelby,	7
Hawkins,	1	Tipton,	4
Hickman,	1	Wilson,	3
Jefferson,	1	Wayne,	1
	44		92

Natives of the following States and Countries:

Of Tennessee,	29	Forward,	85
North Carolina,	20	Of Pennsylvania,	1
Virginia,	15	Maryland,	3
South Carolina,	8	England,	1
Kentucky,	6	Ireland,	1
Georgia,	5	Cuba,	1
Ohio,	2		
	85	Total,	92

Statement of the amount drawn from the Treasurer of Middle Tennessee, from the time the Penitentiary went into operation up to this date, and the amount now owing the Institution; also, the book-debts, notes, stock and manufactured articles on hand, as well as an account of the cost of tools, machinery, etc. belonging to the prison, and the value of labor done for said prison.

To cash rec'd of Thos. Crutcher, Esq. Treasurer of West Tennessee,		$16,209 97	By notes & book accounts due prison,		$10,304 02
To balance due individuals,		2,959 70	By manufactured goods & materials on hand,		12,162 71
To balance due keeper,		6,133 16	By amount of tools, machinery & fixtures on hand,		2,720 57
Balance to new account,		9,214 49	Value of labor done in building work-shops, making cell doors, and other work, estimated in the same way as if done for individuals,		9,430 02
		$34,517 32			$34,517 32
Balance to this time in favor of prison,					$9,214 49

Pursuant to the provisions of the 18th section of an act passed 28th December, 1829, entitled, An act prescribing the mode of conveying criminals to the public jail and penitentiary house established in this State, and for their government therein, I do hereby swear that the foregoing accounts are correct and true in every respect to the best of my knowledge and belief.

J. M'INTOSH, Agent.

Sworn to and subscribed before me, this 13th October, 1835.

J. M. BEWLEY, J. P.

The undersigned, Inspectors of the Penitentiary, have compared and examined every part of the foregoing Report, and certify that the statements are correct.

WM. CARROLL,
MOSES RIDLEY,
R. C. FOSTER.

October 12, 1835.

Inspectors.

To the Legislature of Tennessee.

Gentlemen:—During the first five months of the present year, the convicts in the State prison enjoyed, with a few exceptions, good health—one death occurred within this period from pulmonary consumption. About the first of June, sixty or seventy were attacked with fever in the course of two or three days. Many of their attacks were violent, and called for the most efficient treatment. They all finally recovered, but several of them were confined many weeks to their beds. In looking around the prison for the cause of such an unusual occurrence, I could fix upon none so probable as their recently white-washed lodging rooms. This operation has, however, been regularly performed every spring without such result; but, at this time, the weather was rainy, and the white-wash did not dry as quickly as usual. Many were still laboring under the effects of the fever, when, about the first of July, they were visited by that fell destroyer, the Asiatic Cholera. It commenced its attack on the enfeebled, but it soon ceased to discriminate, prostrating the most healthy and robust at a single blow. It rarely showed the premonitory symptoms, but frequently prostrated its victim to the verge of collapse before he could have a dose of medicine mixed, and swallow it. The Inspectors promptly called in additional medical aid, and the sick had every attention paid them by the keeper and under officers of the institution. I feel gratified in being able to say, that not an officer belonging to the institution, during the ravages of the two visitations of cholera, ever for a moment deserted his post, or in any manner shrank from his duty.

The effects of cholera on those who have it badly and recover, are long felt; many of them have not yet recovered their usual health, but are gradually improving, and in a few weeks more, the place will assume its usual appearance of health and business. I have no hesitation in saying that the site of the penitentiary is a healthful one. The fact that not a death had occurred up to the commencement of cholera in July, 1833, and but two since, independent of the effects of cholera, is I think, sufficient to establish this position. Some attention to having the cells or lodging rooms more effectually ventilated will be necessary, as it is believed, that, through the carelessness of the workmen, most of the flues leading out of them, have been partly or entirely obstructed by the mortar falling and lodging in them.

Within the present year, a large cistern has been formed within the enclosure, and the water from part of the building conducted into it by pipes.—When it is conveyed from the whole of the roof, the supply will be sufficient to allow ample means of frequent bathing, which will, particularly during the summer, add much to the comfort and health of the inmates.

Respectfully,

FELIX ROBERTSON,
Physician to the Penitentiary.

Nashville, Oct. 12, 1835.

Mr. Ledbetter, from the joint select committee appointed to notify the Hon. Hugh L. White, of his nomination to the office of Chief Magistrate of the Union, reported the following correspondence, to wit:

NASHVILLE, October 23d, 1835.

To the Hon. Hugh L. White,

Sir;—

The undersigned have been appointed a committee of the General Assembly, to inform you, that the people of the State of Tennessee have, by their Representatives, nominated you to their fellow citizens of the United States for the office of Chief Magistrate.

This duty, we conceive, will be best discharged, by communicating to you the Preamble and Resolutions adopted by both Houses of the General Assembly. From them you will learn the principles upon which the nomination was made. These, as also the attending circumstances, we take leave to say, appear to us no less honorable to the people of the State, than to yourself. By this act, they have shown a discrimination and devotion to principle, worthy the imitation of posterity.

We avail ourselves of this occasion to tender to you the assurances of our esteem, and veneration for your character, and our ardent wishes for your personal happiness.

Wm. LEDBETTER,
ROBERT H. HYNDS,
T. H. CAHAL.
Committee on the part of the Senate.
ADDISON A. ANDERSON,
WILLIAM McCLAIN,
GRANVILLE D. SEARCY,
SION ROGERS,
G. W. CHURCHWELL.
HARVEY M. WATTERSON,
WM. B. CAMPBELL,
J. A. MABRY,
CHARLES READY,
ROBERTSON TOPP.
Committee on the part of the House of Representatives.

NASHVILLE, October 24th, 1835.

GENTLEMEN,

I have the honor to acknowledge the receipt of your communication under date of yesterday, enclosing a copy of a preamble and resolutions of the General Assembly of the State of Tennessee, recommending me as a suitable person to succeed the present Chief Magistrate of the United States.

To receive evidence at any time, that the Representatives of the people of my own State, continue to repose confidence in me, would be highly gratifying, but at this particular time, and after such multiplied efforts have been unceasingly made, from various quarters, to destroy my reputation, to receive such testimony of increased confidence, is matter calculated to call forth my most profound acknowledgements.

Some of those who are members of the present General Assembly and who were members of the same body two years ago, can bear testimony to the fact, that I earnestly endeavored to prevent my name from being submitted to the American people, for the highest office within their gift, but my efforts have been unavailing. A state of things has been produced which induced a portion of my political friends, to believe the interest of the country would be promoted by the use of my name as a candidate, and when applied to on various occasions, I have given my consent, and I now take this opportunity to state that this consent will not be withdrawn.

In common with a large majority of the citizens of Tennessee, I was an humble advocate of the principles set forth in the preamble to your resolutions. Time and increased experience have tended to confirm me in the opinion, that on the maintenance of these principles the liberties of the people of the United States essentially depend.

From the formation of the Federal Constitution up to this time, there have been parties in the United States. When they are separated upon principle, each may honestly believe the permanent welfare of the country depends upon having the Government administered upon the principles which they advocate, and may honorably use every fair effort to elevate their own party and put down their opponents. But when an attempt is made to create a party—not founded upon any settled principles, composed of men belonging to every political sect, having no common bond of union, save that of a wish to place one of themselves in the highest office known to the Constitution, for the purpose of having all the honors, offices and emoluments of the Government distributed by him among his followers—I consider such an association, whether composed of many or few, a mere faction, which ought to be resisted by every man who loves his country and wishes to perpetuate its liberty.

To conciliate the favor or procure the support of any man or set of men, belonging to any party, I have not changed, or agreed to change, any one political principle I ever avowed. Those upon which I have heretofore practised shall continue to be my guide, in whatever situation I may be placed, so long as I believe them to be correct: disdaining, as I hope I ever shall, an attempt to win my way to power upon one set of principles, and then to practise upon another.

Through you, I beg leave to tender to the General Assembly, my unfeign-

ed and heartfelt thanks, for this additional evidence of their continued and unshaken confidence; and for yourselves be pleased to accept the assurance that I am,

With sentiments of the highest respect,

Your most obedient servant,

HUGH L. WHITE.

Messrs. Wm. Ledbetter,
Robert H. Hynds,
T. H. Cahal,
A. A. Anderson,
Wm. McClain,
Granville D. Searcy,
Sion Rogers,
G. W. Churchwell,
J. A. Mabry,
Charles Ready,
Robertson Topp,
Harvey M. Watterson,
Wm. B. Campbell.

Committee of the Senate and House of Representatives.

Ordered, that 2500 copies of the foregoing be printed for the use of the Senate.

Mr. Cahal introduced, A bill to repeal an act, passed December 2d, 1831, chapter 81, which was read a first time and passed.

Mr. Armstrong submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That slaves under twelve and over fifty years of age, shall be taxed agreeably to their true valuation.

Mr. Moore the following:

Resolved, That the Judiciary committee be instructed to report a bill, making it the duty of the Justices of the Peace, to give notice by advertisement and require each and every person holding taxable property in their districts, to meet at some central place in the same on the day of January, for the purpose of rendering a complete schedule of such property, also to require of such persons, to place the value on all such property as is subject to taxation. And making it the duty of said Justices of the Peace, to register the same in a book to be kept for that purpose.

Resolved, That said committee be instructed to report, a bill providing for the appointment of one commissioner and collector, whose duty it shall be to ascertain all the property in each county subject to taxation, that may not be listed and valued, agreeably to the provisions, to be specified in the bill, and also making it their duty to examine such property and value the same—and also make it the duty of said commissioners and collectors, to collect the taxes of their respective counties, and pay the same over as may be prescribed by law.

Mr. Craighead introduced, a bill, to provide for the election of Notaries Public for the several counties in this State which was read a first time and passed.

Mr. McGaughey submitted the following:

Resolved, That in laying off the different counties of this State into Magistrates' districts, according to the 15th section of the 6th article of the amended constitution—that all those counties, having not more than twenty-five captain's companies, shall by law establish the lines of said companies, as the lines of the magistrates' districts, making it the duty of the clerk of each of said counties, to ascertain from the different Judge Advocates in each county the true lines of each and every company and shall make a record of the same in his office, which lines so established shall remain, unless altered by a majority of the acting Justices of the Peace in any of said counties.

Resolved, That in counties where the number exceeds twenty five companies, so as to make it necessary to have the same laid off into districts, it shall be done in such manner as the members representing said counties, deem most expedient, making the expense of laying off such districts a county charge. And the rule being suspended said resolution was referred to the committee of the whole.

The resolution heretofore submitted by Mr. Cahal, directory to the committee on the Judiciary, was taken up and read and after some discussion had thereon,

The Senate adjourned.

TUESDAY, OCTOBER 27th, 1835.

Mr. Powell presented the petition of sundry citizens of the counties of Carter and Washington, asking an appropriation of money to enable them to complete the road from Jonesboro' to Burnsville, which was referred on his motion to the committee on Internal Improvements.

Mr. Craighead presented the following report of the commissioners appointed to settle with Joel Parrish late Cashier of the Bank of the State of Tennessee, and his securities, to wit:

To the General Assembly of the State of Tennessee.

The undersigned to whom was referred the adjustment of the claims of the State of Tennessee, against Joel parrish late cashier of the Bank of the State, and his securities—beg leave to report, that after the most careful examination of the matter, and weighing the difficulties with which it was surrounded, and the uncertainty which might attend a protracted litigation, finally agreed with the above securities, to compromise it by confessing Judgment, with ample security for the sum of $7,500, for which, Judgments are accordingly confessed, and the money with interest will shortly be paid, or it can be collected forthwith.

Respectfully submitted,

WM. CARROLL,
O. B. HAYS,
THOS. CRUTCHER,
DAVID CRAIGHEAD.

Nashville, October 26th, 1835.

The foregoing report was read and ordered to be transmitted to the House of Representatives.

Mr. Morford presented the memorial of sundry citizens of Franklin and Warren counties, praying the establishment of a new county, which was referred on his motion to the committee on new counties and county lines.

On motion of Mr. Gray,

Ordered, That two thousand copies of the report of the commissioners and Inspectors of the Penitentiary be printed for the use of the Senate.

Mr. Hynds asked and obtained leave to withdraw for amendment, a bill to repeal an act, passed December 2d, 1831, chapter 81.

The Senate on motion of Mr. Henderson, resumed the consideration of Mr. Cahal's resolution directory to the committee on the Judiciary, and after some discussion had thereon, Mr. Graves moved a division so as to test the sense of the Senate upon each resolution, and after some further discussion the Senate adjourned on motion of Mr. Childress until this evening 3 o'clock.

THREE O'CLOCK, P. M.

A bill for the appointment of Notaries Public was withdrawn for amendment by Mr. Powell.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The speaker of the House of Representatives did this day sign an enrolled bill, entitled, an act, giving further time for surveying entries, north and east of the Congressional reservation line, and north of Tennessee river. The House of Representatives have adopted a resolution to go into the election of a Secretary of State, on Thursday next, at 3 o'clock P. M. and ask the concurrence of the Senate. And then he withdrew.

Whereupon the Speaker signed the said Enrolled bill and ordered it to be deposited in the office of the Secretary of State. Mr. Craighead moved to lay the resolution to go into the election of Secretary of State upon the table, and thereupon the question was had and determined in the negative, ayes 11, noes 13—The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Craighead,

The affirmative voters are,

Mr. Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Ledbetter, Moore, Morford, Totten and Trousdale—11.

The negative voters are,

Mr. Speaker Webster, Brown, Graves, Gray, Hynds, Love, McGaughey, Motley, Powell, Reagan, Robertson, Rogers, and Vernon—13. And so said motion was negatived.

Mr. Morford thereupon moved an adjournment, and the question thereon being had, it was determined in the affirmative, ayes 14—noes, 10. The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Hynds.

The affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, John-

son, Ledbetter, Love, Moore, Morford, Reagan, Totten and Trousdale—14.

The negative voters are,

Mr. Graves, Gray, Henderson, Hynds, McGaughey, Motley, Powell, Robertson, Rogers, and Vernon—10.

And so the Senate adjourned.

WEDNESDAY, OCTOBER 28th, 1835.

Mr. Graves presented a petition of sundry citizens, of Knox and Grainger counties, upon the subject of a new school district, which was referred, on his motion, to the committee on Education and Common schools.

Mr. Johnson, the petition of sundry citizens of Montgomery county, praying the passage of a law for the benefit of Robert Cole, which was referred, on his motion, to the committee on Propositions and Grievances.

Mr. Powell moved the Senate to take up and consider the resolution from the House of Representatives, proposing to go into the election of a Secretary of State, on Thursday next at 3 o'clock P. M., and after some discussion thereon, Mr. Hynds moved the previous question, which being sustained, the resolution was thereupon taken up and read, and after some further discussion had thereon, Mr. Hynds again moved the previous question, which motion was not sustained.

Mr. Ledbetter introduced a bill, to increase the jurisdiction of justices of the peace, which was read a first time and passed.

The resolution from the House of Representatives, concerning the north boundary-line of the State of Tennessee, was taken up and read.

Mr. Craighead moved to lay it again upon the table, which motion prevailed.

Mr. Hynds returned with an amendment in lieu of the whole, from the words "a bill" a bill to repeal an act, passed December 2, 1831, chapter 81.

On motion of Mr. Cahal, the said bill and amendment were ordered to the table.

A bill to prohibit prosecutions for criminal offences committed within the State of Tennessee, prior to the time when the act of 1829, known by the name of "the criminal code of Tennessee," went into operation, was read and referred on motion of Mr. Totten to the committee on the Judiciary.

Mr. McGaughey submitted the following:

Resolved, That the regular hour to which the Senate shall stand adjourned in the afternoon, shall be 2 o'clock—and the rule requiring resolutions to lie one day on the table, being suspended, on motion of Mr. McGaughey, Mr. Cahal moved to amend said resolution, by providing that the regular hour should be half after 2 o'clock, instead of 2 o'clock, which motion prevailed, the resolution was read as amended and adopted.

The preamble and resolutions heretofore submitted by Mr. Johnson, "approving the measures of the Administration of Andrew Jackson, President of the United States," were taken up and read. In lieu of which,

Mr. Cahal submitted the following, to wit:

Whereas, no regular session of the General Assembly of the State of

Tennessee will intervene, prior to the expiration of the term of service of the present illustrious and distinguished chief Magistrate of the United States, and whereas it is deemed fit and proper, that the representatives of the people of his own state, should express their opinions relative to the measures of his administration, therefore,

Resolved, 1st. By the General Assembly of the State of Tennessee, that the leading measures and policy both foreign and domestic of the General Government during the administration of General Andrew Jackson are approved by the members of this General Assembly.

Resolved, 2nd. That the people of Tennessee still entertain full confidence in the wisdom, patriotism and integrity of their distinguished fellow citizen and illustrious chief Magistrate, Andrew Jackson.

Resolved, 3rd. That the General Assembly does earnestly hope that his salutary measures may be pursued and perfected under the administration of his successor.

And the question being had, "will the Senate accept the amendment," it was determined in the negative, ayes 7—noes 18.

The ayes and noes being demanded by Mr. Moore, seconded by Mr. Craighead, the affirmative voters are, Mr. Cahal, Graves, Henderson, Hynds, Ledbetter, Motley and Robertson—7.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Gray, Johnson, Love, McGaughey, Moore, Morford, Powell, Reagan, Rogers, Totten, Trousdale and Vernon,—18. And so said amendment was rejected.

The question then recurred upon the adoption of the original preamble and resolutions. Mr. Vernon moved a division so as to test the sense of the Senate upon the several parts of the preamble and resolutions separately; which motion prevailing, the following part of said preamble was read, to wit:

Whereas, no regular session of the Legislature of this State will take place until a considerable time after the expiration of the term of service of our present illustrious chief Magistrate of the U. States, it is therefore deemed fit and proper at this time, that the General Assembly of Tennessee should express their opinions, upon the manner of administering the government during his administration, and the principles involved in the leading measures which have been adopted and acted upon. This General Assembly view with indignant regret, the many false and unfounded calumnies, which have been propagated against him, and which have had for their object to tarnish his reputation, and weaken the influence and effect of the salutary measures, which he has from time to time recommended and urged upon the consideration of Congress. He has been charged with usurping powers not conferred by the constitution and laws; with abusing Executive patronage, and with an attempt to dictate to his countrymen. It is believed by this General Assembly that no portion of our countrymen, when the excitement of the present day shall have passed by, will view these charges in any other light, than as accusations and calumnies, got up against him by his enemies, for temporary politi-

cal purposes, and originating in the disappointed feelings of an ambitious opposition.

Mr. Childress moved to strike from the foregoing, the words, "for temporary political purposes," which motion failed.

Mr. Graves moved to strike therefrom, the words, "with an attempt to dictate to his countrymen." And thereupon the question was had and determined in the negative, ayes 4—noes 21. The ayes and noes being demanded by Mr. Childress, seconded by Mr. Johnson,

The affirmative voters are,

Mr. Graves, Henderson, Motley and Robertson, 4.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—21.

And so said motion was rejected.

The question then recurred, and was had upon the foregoing first division; ayes 21—noes 4.

The ayes and noes being demanded by Mr. Johnson seconded by Mr Childress,

The affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Powell, Reagan, Rogers, Totten, Trousdale, and Vernon, 21.

The negative voters are,

Mr. Cahal, Henderson, Motley and Robertson, 4.

And so said first division was adopted.

The second division of said preamble and resolutions was thereupon read and is in the following words, to wit:

This General Assembly is prepared for themselves and their constituents, now to place their negative upon them, and award to him, that approbation which is due to integrity, wisdom and patriotism.

Mr. Cahal moved to divide said second division, so as to take the sense of the Senate upon the following: "This General Assembly is now prepared for themselves and their constituents, to place their negative upon them." Which motion was negatived.

Mr. Childress thereupon moved a reconsideration; which prevailing, Mr. Cahal moved to amend said second division, so as to read, "this General Assembly is prepared to award to him that approbation which is due to integrity, wisdom and patriotism." Which motion was also negatived. The question then recurred upon the adoption of said second division, and being thereon had, it was determined the affirmative, ayes, 20—noes 5. The ayes and noes being demanded by Mr. Johnson seconded by Mr. Craighead,

The affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Reagan, Rogers, Totten, Trousdale and Vernon, 20.

The negative voters are,

Mr. Cahal, Henderson, Motley, Powell and Robertson, 5.

And so said second division was adopted.

The third division was thereupon read and is in the following words, to wit: In regard to the leading measures of his administration, they have our approval, and are entitled to our support. We consider the decided stand taken by him against internal improvements by the General Government, as having in a great measure, put an end to an extravagant, corrupt, and corrupting system of Legislation. His opposition to the Bank of the United States, has manifested a devotion to principles, which we most cordially approve, and is in strict accordance with the tenor of his whole life, through which he has often periled every thing appertaining to himself for the good of his country. The zealous exertions used by him to reduce the tariff and bring down the revenue to a proper standard, and to fix that standard at an amount, necessary to an economical administration of the general government, demonstrating his anxiety to relieve the people from unnecessary burdens, and do equal justice to every portion of the country. And the question, "will the Senate adopt the third division," being had, it was determined in the affirmative, ayes 24—noes 1. The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Craighead,

The affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, MGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon, 24. The negative voter is, Mr. Henderson, 1. And so said third division was adopted.

The 4th division was thereupon read and is in the following words, to wit: His unwearied efforts to remove the Indians west of the Mississippi, and beyond the limits of any of the States, were dictated by wisdom and humanity, and deserve the commendation of all philanthropic men. And thereupon the question was had, "will the Senate adopt the 4th division," and determined in the affirmative, ayes 24—noes 1.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Craighead,

The affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

The negative voter is, Mr. Henderson—1.

And so said 4th division was adopted.

The fifth division was thereupon read and is in the following words, to wit: The removal of the deposites from the Bank of the United States, was in our opinion wise, legal, constitutional and politic, and well calculated to defeat a recharter of the Bank, by disabling it in a great measure from destroying the State Banks, resorted to by the general government as its fiscal agents.

Mr. Cahal moved to strike from the foregoing division the words "wise,

politic." And thereupon the question was had and determined in the negative, ayes 3—noes 22.

The ayes and noes being demanded by Mr. Johnson seconded by Mr. Craighead,

The affirmative voters are, Mr. Cahal, Henderson and Robertson, 3.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—22.

And so said motion was rejected.

The question then recurred upon the adoption of the said fifth division, and being thereon had it was determined in the affirmative, ayes 22—noes 3.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Craighead,

The affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress. Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon —22.

The negative voters are, Mr. Cahal, Henderson and Robertson, 3.

The remainder of the said preamble and resolutions was thereupon read and was in the following words, to wit:

The able, firm, and dignified course pursued by the chief Magistrate in his intercourse with foreign powers, has produced results not only securing to our citizens, that justice which in many instances had long been held from them, but has elevated and exalted our government in the eyes of foreign nations, and inscribed on our national character in emphatic language, that we will ask for nothing but what is right, and submit to nothing that is wrong.

Therefore, *Resolved*, by the General Assembly of the State of Tennessee, that the confidence of the people of the State of Tennessee in the integrity, wisdom, and patriotism of Andrew Jackson, President of the United States is undiminished and unabated.

Resolved, That the leading measures which have characterised his administration are approved by this General Assembly, and it is hoped, that they will be adhered to, carried out and consumated by his successor.

And the question upon the adoption of the foregoing being had, it was determined in the affirmative, ayes 23—noes 2.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Craighead,

The affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Rogers, Totten Trousdale and Vernon—23.

The negative voters are Mr. Henderson and Robertson—2.

And so the entire preamble and resolutions were adopted.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

And then the Senate adjourned.

THURSDAY, OCTOBER 29th, 1835.

Mr. Johnson presented the petition of sundry citizens of the counties of Davidson, Dickson, Montgomery and Robertson, praying the establishment of a new county, which was referred on his motion to the committee on new counties and county lines.

On motion of Mr. Cahal, Ordered, that Mr. Johnson be added to the committee on new counties and county lines.

Mr. Morford moved the Senate to take up and consider the resolution from the House of Representatives, proposing to go into the election of a Secretary of State on this day, which motion prevailing the said resolution was thereupon taken up and read, and the question upon the adoption of the same being had, it was determined in the negative, ayes 10—noes 14.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Johnson,

The affirmative voters are,

Mr. Armstrong, Graves, Hynds, Love, McGaughey, Morford, Reagan, Robertson, Rogers, and Vernon, 10.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Moore, Motley, Powell, Totten and Trousdale, 14.

And so said resolution was nonconcurred with.

Mr. Powell moved the Senate to take up and consider the resolution of Mr. Hynds, proposing to go into the election of a Secretary of State on the day of which motion prevailing, the said resolution was thereupon taken up and read. Mr. Trousdale moved to fill the in said resolution with the words first Monday in December next, and the question thereon being had, it was determined in the negative, ayes 10, noes 14.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Powell,

The affirmative voters are,

Mr. Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Moore, Robertson, Totten and Trousdale, 10.

The negative voters are,

Mr. Armstrong, Brown, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Morford, Motley, Powell, Reagan, Rogers and Vernon, 14.

And so said motion was rejected.

Mr. Ledbetter thereupon moved to fill the blank with the words, "Tuesday next," and thereupon the question was had and determined in the affirmative, ayes 15—noes 9.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Powell,

The affirmative voters are,

Mr. Armstrong, Graves, Gray, Henderson, Hynds, Ledbetter, Love McGaughey, Moore, Morford, Motley, Powell, Reagan, Rogers and Vernon, 15.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Johnson, Robertson, Totten and Trousdale—9.

And so said motion prevailed.

Mr. Childress thereupon submitted the following in lieu of the said resolution, to wit:

Resolved, That the General Assembly will not go into the election of Secretary of State, until the duties to be performed by him shall be fixed and established by law, as well as his salary, and thereupon the question was had and determined in the negative, ayes 9—noes 15.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Johnson, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Totten and Trousdale, 9.

The negative voters are,

Mr. Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, and Vernon 15.

And so said amendment was rejected.

Mr. Hynds thereupon moved the adoption of the original resolution, and the question thereon being had, it was determined in the affirmative, ayes 15—noes 9.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Childress,

The affirmative voters are,

Mr. Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers and Vernon—15—the negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Totten and Trousdale, 9.

Aud so said resolution was adopted.

Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Ledbetter moved the Senate to take up and consider the resolutions heretofore submitted by Mr. Cahal, directory to the committee on the judiciary; which motion prevailing the said resolutions were taken up and read. Mr. McGaughey moved a division, so as to take the vote of the Senate upon each resolution, which also prevailing, the first resolution was read and is in the following words, to wit:

Resolved, That the committee on the judiciary be instructed to report a bill to establish a chancery court, to be holden twice a year, in districts of convenient size, and to have exclusive jurisdiction of all matters of equity, and to regulate the proceedings in said court. And the question upon the adoption of the foregoing being had it was determined in the affirmative, ayes 15—noes 10.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Cahal,

The affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Love, McGaughey, Moore, Robertson, Totten and Trousdale, 15.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Ledbetter, Morford, Motley Powell, Reagan, Rogers and Vernon, 10.

And so said resolution was adopted.

The second resolution was next read and is in the following words, to wit

Resolved, further, that said committee be instructed to report a bill to es tablish a system of circuit courts, to be holden three times a year in each county, and to have exclusive jurisdiction of all causes at law, both civil and criminal which requires the intervention of a jury and to regulate the pro ceedings in said courts. Mr. Craighead moved to strike from the foregoing the words, "three times," which motion was rejected.

Mr. Powell moved to strike therefrom the word "exclusive," and the ques tion thereon being had it was determined in the negative, ayes 8, noes 17

The ayes and noes being demanded by Mr. Craighead, seconded by Mr McGaughey,

The affirmative voters are,

Mr. Craighead, Graves, Gray, Hynds, McGaughey, Powell, Rogers and Vernon, 8.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Hen derson, Johnson, Ledbetter, Love, Moore, Morford, Motley, Reagan, Rob ertson, Totten and Trousdale, 17.

The question then recurred upon the adoption of the said second resolu tion, and being thereon had, it was determined in the affirmative, ayes 19— noes 5.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Craighead,

The affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Gray, Henderson, Johnson, Ledbetter, Love, Moore, Morford, Motley, Reagan, Robertson, Totten, Trousdale and Vernon, 19.

The negative voters are,

Mr. Craighead, Hynds, McGaughey, Powell and Rogers, 5.

The third resolution was next read and is in the following words:

Resolved, further, that said committee be instructed to report a bill to establish a system of county courts, to be holden once a month in each county, to take the probate of wills, grant letters of administration, appoint guardians, asses the county revenue, lay out roads, and appoint the overseers and hands to work thereon, and to superintend the county police generally, and to do all such acts and things as the courts of pleas and quarter sessions, as at present organised, are authorised to do on county days, by the existing laws, and no more. Mr. Gray moved to strike out the words, "and no more," which motion prevailed.

Mr. Graves moved to strike therefrom the words "once a month," and thereupon the question was had and determined in the negative, ayes 3— noes 22.

The ayes and noes being demanded by Mr. Love, seconded by Mr. Craighead, the affirmative voters are,

Mr. Graves, Robertson and Rogers—3.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Totten, Trousdale and Vernon—22.

The question then recurred upon the adoption of the said third resolution, and being thereon had, it was determined in the affirmative—ayes 18, noes 7.

The ayes and noes being demanded by Mr. Love, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Gray, Henderson, Johnson, Ledbetter, Love, Moore, Morford, Motley, Reagan, Robertson, Totten and Vernon—18.

The negative voters are,

Mr. Craighead, Graves, Hynds, McGaughey, Powell, Rogers and Trousdale—7.

Mr. Hynds introduced a bill to impose a tax on shows, circus companies, and theatrical performances.

Mr. Craighead introduced a bill to amend an act entitled an act to incorporate a company for opening a turnpike road from Nashville to the top of the Ridge, about one mile from Elijah Robertson's, in a direction from Nashville, via Charlotte, to the Western District, and for other purposes.

Brth of which were severally read a first time and passed.

A bill from the House of Representatives to authorise the commissioners of Internal Improvement in Henry county, to contract for building a bridge across main Sandy river, at or near Bond's ferry, where the road leading from Paris to Charlotte, by way of La Grange furnaces, in Stewart county, crosses the same, was read a first time, passed, and referred, on motion of Mr. Love, to the committee on Internal Improvement.

A bill to increase the jurisdiction of justices of the peace, was, on motion of Mr. Ledbetter, referred to the committee on the Judiciary.

The resolution heretofore submitted by Mr. Moore, directory to the committee on the Judiciary, was taken up, read, and after undergoing some discussion, was, on his motion, referred to the committee of the whole.

And then the Senate adjourned.

FRIDAY, OCTOBER 30th, 1835.

On motion of Mr. Childress, the rule prohibiting any Senator from recording his vote, on any question, after the same has been announced, was suspended, in order to allow Mr. Speaker Webster, (who was absent on yesterday, on account of indisposition,) to record his vote on the adoption of the several resolutions submitted by Mr. Cahal, directory to the committee on the Judiciary.

Mr. Craighead, chairman of the committee on the Judiciary, reported a bill to amend the judiciary system of this State, and to establish courts of chancery and circuit courts therein. Which was read, and amended on mo-

tion of Mr. Armstrong, by striking out the word "Monroe," and inserting in lieu thereof, the word "Livingston." And on motion of Mr. Vernon, re-committed to the said committee.

Mr. Vernon, from the committee on new counties and county lines, to whom was referred "a bill to establish the county of Lauderdale," reported that the committee have had the same under consideration, and had instructed him to submit an amendment thereto in lieu of the whole, from the words "a bill," and to recommend its passage.

On motion of Mr. Totten, the said bill and report were ordered to the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives concur in the Senate's resolution to go into the election of Secretary of State on Tuesday next.—And then he withdrew.

Mr. Cahal introduced a bill to authorise the county courts in certain cases to order the sale of the sites and materials of jails and public prisons, and to purchase others.

Mr. McGaughey, a bill appointing James F. Broyles a commissioner of a turnpike road, granted to Cain Broyles in 1831.

Mr. Armstrong, a bill to make roads on which the United States mail is carried, roads of the first class.

All of which were severally read a first time and passed.

A bill to amend an act entitled an act to incorporate a company to open a turnpike road from Nashville to the top of the ridge, about one mile from Elijah Robertson's in a direction from Nashville, via Charlotte, to the Western District, and for other purposes, was read a second time and passed.

On motion of Mr. Gray, the Senate resolved themselves into a committee of the whole, Mr. McGaughey in the chair, on the various resolutions to them referred, on the subject of taxation, and laying off the several counties of this State into districts of convenient size for the purpose of electing justices of the peace and constables therein. And after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Senate adjourned.

SATURDAY, OCTOBER 31st, 1835.

Mr. McGaughey introduced a bill establishing a pracinct place of voting in each magistrate's district, for the purpose of electing a Governor, members of Congress, members of the General Assembly, and other public officers.

Mr. Robertson, a bill to provide an easy and accurate mode of ascertaining illegal votes in contested elections.

Both of which were severally read a first time and passed.

A bill to amend an act entitled an act to incorporate a company for opening a turnpike road from Nashville to the top of the ridge, about one mile

from Elijah Robertson's, in a direction from Nashville, via Charlotte, to the Western District, and for other purposes, was read a third time, passed, and ordered to be transmitted to the House of Representatives.

A bill from the House of Representatives concerning the rents and profits of school lands, was read a first time and passed.

A bill to impose a tax on shows, circus companies and theatrical performances, was referred, on motion of Mr. Hynds, to the committee on the Judiciary.

Mr. Craighead asked and obtained leave to withdraw for amendment, a bill to incorporate Lafayette Male and Female Academies.

On motion of Mr. McGaughey, *Ordered*, That Mr. Graves and Trousdale be added to the committee on privileges and elections.

On motion of Mr. Johnson, *Ordered*, That Mr. Totten be added to the committee on Banks.

On motion of Mr. Gordon; *Ordered*, That Mr. Powell be added to the committee on Internal Improvements.

And then the Senate adjourned.

MONDAY, NOVEMBER 2d, 1835.

Mr. Johnson presented a memorial from sundry citizens of Robertson county, praying the repeal of the act of 1831, granting license to retail spirituous liquors; or otherwise provide, so as to remedy the evil. Which was referred, on his motion, to the committee on propositions and grievances.

Mr. Robertson, the petition and presentment of the Grand Jury of Shelby county upon the same subject. Which was also referred to the committee on propositions and grievances.

Mr. Craighead, from the committee on the Judiciary, to whom was re-committed a bill to amend the judiciary system of the State of Tennessee, and to establish courts of chancery and circuit courts therein—reported that the committee have had the same again under consideration, and instructed him to report an amendment thereto, and with the amendment, to recommend the passage of the bill.

The said report was concurred with, so far as the proposition to amend—and on motion of Mr. Johnson, it was ordered, that fifty copies of the said bill be printed for the use of the Senate.

A bill from the House of Representatives, concerning the rents and profits of school lands, was referred, on motion of Mr. Childress, to the committee on education and common schools.

A bill from the House of Representatives, declaring Mulberry creek in Lincoln county, navigable—and

A bill to amend an act entitled an act to establish a board of Internal Improvement for the county of Giles, passed 19th December, 1831,

Were read a first time and passed.

A bill appointing James F. Broyles a commissioner of a turnpike road, granted to Cain Broyles in 1831, was read a second time and passed.

A bill to amend an act entitled an act to establish the Planters' Bank of

Tennessee, passed Nov. 15th, 1833, being read—the question was had upon the amendment thereto, heretofore offered by Mr. Moore, proposing to appropriate the nett profits arising from the sale of the stock to the use of common schools—and rejected.

The question was then had upon the passage of the said bill, and determined in the affirmative—ayes 14, noes 9.

The ayes and noes being required by the Constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Moore, Reagan, Robertson & Totten—14.

The negative voters are,

Mr. Brown, Graves, McGaughey, Morford, Motley, Powell, Rogers, Trousdale and Vernon—9.

And so said bill passed its third reading, and was ordered to be transmitted.

A bill to make roads over which the United States mail is carried, roads of the first class, was read a second time and rejected.

A message from the House of Representatives by Mr. Mitchell their clerk.

Mr. Speaker: the House of Representatives have adopted a resolution to go into the election of a Surveyor General for the Hiwassee district, on Tuesday next—in which they ask the concurrence of the Senate. And then he withdrew.

Whereupon the said resolution was read, and non-concurred with.

Ordered, That the clerk acquaint the House of Representatives therewith.

A bill to provide an easy and accurate mode of ascertaining illegal votes in contested elections—was referred, on motion of Mr. McGaughey, to the committee on privileges and elections.

Mr. Henderson asked and obtained leave to withdraw for amendment, a bill to amend the revenue laws of the State, and for other purposes.

A bill establishing a precinct place of voting in each magistrate's district, for the purpose of electing a Governor, members of Congress, members of the General Assembly, and other public officers—was referred, on motion of Mr. McGaughey, to the committee on privileges and elections.

A bill to authorize the county courts in certain cases, to order the sale of the sites and materials of jails and public prisons, and to purchase others, being read a third time, the question, Shall the bill pass: was had, and determined in the affirmative—ayes 23, there being no negative votes.

The ayes and noes being required by the Constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robinson, Rogers, Totten, Trousdale and Vernon—23.

And so said bill passed its third reading, and was ordered to be transmitted.

Mr. Powell returned without amendment, a bill to provide for the appointment of notaries public. The said bill was amended on motion of Mr. Childress, by striking therefrom the word "resolution," and the words "during good behaviour," so as to provide for the election of said officers by joint vote of the General Assembly, for the term of four years.

The said bill was further amended on motion of Mr. Reagan, by providing

that there shall not be elected for the counties of Monroe and McMinn, more than one notary public each.

The said bill was then read and amended, and on motion of Mr. Cahal, ordered to the table.

A bill from the House of Representatives, authorising the New Orleans and Nashville rail road company to extend their contemplated rail road into the State of Tennessee—was read a first time and passed.

And then the Senate adjourned.

TUESDAY, NOVEMBER 3d, 1835.

Mr. Powell presented the memorial of sundry citizens of the counties of Sullivan, Washington, Hawkins and Green, for the establishment of a new county, to be called Powell county. Which was referred, on his motion, to the committee on new counties and county lines.

Mr. Cahal presented the return of the clerk of the circuit court of Monroe county, shewing the amount of State tax fines and forfeitures collected by him for the year commencing the 1st day of October, 1832, and ending the 1st day of October, 1833. Which was, on his motion, referred to the committee on finances.

Mr. Vernon presented the petition of sundry citizens of Rhea county, praying the General Assembly not to grant a charter for the contemplated road from the Grassy Cove, in Bledsoe county, to the foot of Walden's ridge, in said county. Which was, on his motion, referred to the committee on internal improvement.

Mr. Brown presented a letter from John Brockenborough—and also a memorial to the commonwealth of Virginia, on the subject of a rail road. Which were severally read, and referred, on his motion, to the commitiee on internal improvement.

Mr. Craighead, chairman of the committee on the judiciary, reported a bill to establish "circuit courts." Which was, on motion of Mr. Cahal, ordered to the table, and fifty copies thereof ordered to be printed for the use of the Senate.

Mr. McGaughey, from the committee on propositions and grievances, to whom was referred, a bill to repeal an act, passed by the General Assembly of the State of Tennessee, on the 15th December, 1831, entitled an act to tax the retailers of spirituous liquors, and to appropriate the moneys arising therefrom to the use of common schools—reported that the committee have had the same under consideration, and had instructed him to recommend its rejection.

On motion of Mr. Trousdale, the said bill and report were ordered to the table.

Mr. McGaughey, from the same, to whom was referred a bill from the House of Representatives to amend an act passed the 5th day of November, 1833, entitled an act to regulate ferriages and tolls, at ferries kept on Tennessee river, north of the north boundary line of the State of Alabama—re-

ported that the committee have had the same under consideration, and had instructed him to report an amendment thereto, in lieu of the whole from the words "a bill," and to recommend its passage.

Said report was read and concurred with.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Graves introduced a bill to provide for the election of Governor, members of Congress, members of the General Assembly, and electors to vote for President and Vice President of the United States, and county officers.

Which was read a first time and passed.

Mr. Robertson introduced a bill to fix the mode of assessing the value of the taxable property in this State, and for carrying into effect the provisions of the 28th section of the 2d article of the amended Constitution. Which was read and referred, on his motion, to the committee of the whole.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The House of Representatives are now ready to receive the Senate for the purpose of going into the election of Secretary of State. And then he withdrew.

Whereupon, the speaker and gentlemen of the Senate repaired to the hall of the House of Representatives; and thereupon the two Houses proceeded by joint vote (viva voce) to the election of said officer. The following is the vote of the Senate:

FIRST BALLOT.

For Gillespie.	For Lea.	For Hall.	For Lester.	For Vaughn.
Webster	Graves	Brown	Cahal	Gordon
Armstrong	Hynds	Childress	Gray	Ledbetter
Love	McGaughey	Craighead	Johnson	Motley
Morford	Rogers	Henderson	Moore—4.	Trousdale—1.
Reagan	Totten—5.	Powell		
Vernon—6.		Robertson—6.		

SECOND BALLOT.

Webster	Graves	Brown	Cahal	Gordon
Armstrong	Hynds	Childress	Gray	Ledbetter
Love	McGaughey	Craighead	Johnson	Motley
Morford	Rogers	Henderson	Moore—4.	Trousdale—1.
Reagan	Totten—5.	Powell		
Vernon—6.		Robertson—6.		

THIRD BALLOT.

Webster	Graves	Brown	Cahal	Gordon
Armstrong	Hynds	Childress	Gray	Ledbetter
Love	McGaughey	Craighead	Johnson	Motley
Morford	Rogers	Henderson	Moore—4.	Trousdale—1.
Reagan	Totten—5.	Powell		
Vernon—6.		Robertson—6.		

FOURTH BALLOT.

GILLESPIE.	LEA.	HALL.	LESTER.	VAUGHN.
Webster	Graves	Brown	Cahal	Gordon
Armstrong	Hynds	Childress	Gray	Ledbetter
Love	McGaughey	Craighead	Johnson	Motley—3.
Morford	Rogers	Henderson	Moore	
Reagan	Totten—5.	Powell	Trousdale—5.	
Vernon—6.		Robertson—6.		

FIFTH BALLOT.

Webster	Graves	Brown	Cahal	Gordon
Armstrong	Hynds	Childress	Gray	Ledbetter
Love	McGaughey	Craighead	Johnson	Motley—3.
Morford	Rogers	Henderson	Moore	
Reagan	Totten—5.	Powell	Trousdale—5.	
Vernon—6.		Robertson—6.		

SIXTH BALLOT.

Webster	Graves	Brown	Cahal	FOR GRAHAM.
Armstrong	Hynds	Childress	Gordon	Ledbetter—1.
Love	McGaughey	Craighead	Gray	
Morford	Rogers	Henderson	Johnson	
Reagan	Totten—5.	Motley	Moore	
Vernon—6.		Powell	Trousdale—6.	
		Robertson—7.		

SEVENTH BALLOT.

Webster	Graves	Brown	Cahal
Armstrong	Hynds	Childress	Gray
Love	Ledbetter	Craighead	Johnson
Morford	McGaughey	Henderson	Moore
Reagan	Rogers	Motley	Trousdale
Vernon—6.	Totten—6.	Powell	Gordon—6.
		Robertson—7.	

EIGHTH BALLOT.

Webster	Graves	Brown	Cahal
Armstrong	Hynds	Childress	Gray
Love	Ledbetter	Craighead	Gordon
Morford	McGaughey	Henderson	Johnson
Reagan	Rogers	Motley	Moore
Vernon—6.	Totten—6.	Powell	Trousdale—6.
		Robertson—7.	

NINTH BALLOT.

Lea.	Hall.	Lester.
Graves	Webster	Armstrong
Hynds	Brown	Cahal
Ledbetter	Childress	Gordon
McGaughey	Craighead	Gray
Reagan	Henderson	Johnson
Rogers	Motley	Love
Totten	Morford	Moore
Vernon—8.	Powell	Trousdale—8.
	Robertson—9.	

TENTH BALLOT.

Graves	Webster	Armstrong
Hynds	Brown	Cahal
Ledbetter	Childress	Gordon
McGaughey	Craighead	Gray
Powell	Henderson	Johnson
Reagan	Morford	Love
Totten	Motley	Moore
Vernon	Robertson—8.	Trousdale—8.
Rogers—9.		

ELEVENTH BALLOT.

Graves	Webster	Armstrong
Hynds	Brown	Cahal
Ledbetter	Childress	Gordon
McGaughey	Craighead	Gray
Reagan	Henderson	Johnson
Rogers	Morford	Love
Totten	Motley	Moore
Vernon—8.	Powell	Trousdale—8.
	Robertson—9.	

TWELFTH BALLOT.

Graves	Webster	Armstrong
Hynds	Brown	Cahal
Ledbetter	Childress	Gordon
McGaughey	Craighead	Gray
Reagan[1]	Henderson	Johnson
Rogers	Morford	Love
Totten	Motley	Moore
Vernon—8.	Powell	Trousdale—8.
	Robertson—9.	

THIRTEENTH BALLOT.

For Lea.	For Hall.	For Lester.
Graves	Webster	Armstrong
Hynds	Brown	Cahal
Ledbetter	Childress	Gordon
McGaughey	Craighead	Gray
Reagan	Henderson	Johnson
Rogers	Morford	Love
Vernon—7.	Motley	Moore
	Powell	Totten
	Robertson—9.	Trousdale—9.

FOURTEENTH BALLOT.

Graves	Webster	Armstrong
Hynds	Brown	Cahal
McGaughey	Childress	Gordon
Reagan	Craighead	Gray
Rogers	Henderson	Johnson
Totten	Morford	Ledbetter
Vernon—7.	Motley	Love
	Powell	Moore
	Robertson—9.	Trousdale—9.

FIFTEENTH BALLOT.

Graves	Webster	Armstrong
Hynds	Brown	Cahal
McGaughey	Childress	Gordon
Reagan	Craighead	Gray
Rogers	Henderson	Johnson
Totten	Morford	Ledbetter
Vernon—7.	Motley	Love
	Powell	Moore
	Robertson—9.	Trousdale—9,

The convention, after fifteen unsuccessful trials, adjourned until to-morrow morning nine o'clock.

And thereupon the speaker and gentlemen of the Senate returned to their own chamber.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 4th, 1835.

The hour of 9 o'clock being arrived, the speaker and gentlemen of the Senate repaired to the hall of the House of Representatives, and thereupon the two Houses resumed the election of Secretary of State.

The following is the vote of the Senate for that officer:

For Lea.	For Lester.
Webster	Armstrong
Brown	Cahal
Graves	Childress
Henderson	Craighead
Hynds	Gordon
Ledbetter	Gray
McGaughey	Johnson
Morford	Love
Motley	Moore
Powell	Trousdale—10.
Reagan	
Robertson	
Rogers	
Totten	
Vernon—15.	

The vote of the House of Representatives being continued and had, it was announced by the speaker of the Senate, that Luke Lea, Jr., of the county of Grainger, was duly and constitutionally elected Secretary of State for the State of Tennessee, for the ensuing four years.

Whereupon the speaker and gentlemen of the Senate returned to their own chamber.

Received, the following message from his Excellency the Governor, by Daniel Graham, Secretary of State:

Gentlemen of the Senate
and of the House of Representatives:

The accompanying document from the Chief Justice of our State, containing important information in relation to a subject of great interest, (to which I had the honor of calling your attention in a former message) is respectfully submitted to your consideration, in order that you may make such provisions, or adopt such measures as the character of the State, the vital principles involved, and the interests of the citizens may require.

NEWTON CANNON.

Executive Office, Nashville, 4th Nov. 1835.

Nashville, 2d November, 1835.

Dear Sir:—The cause of the State of Tennessee against James Foreman was heard in the Supreme Court at Knoxville, on the second Monday of October past. Foreman (with another,) had been indicted in the McMinn circuit court, for the murder of John Walker, within the county of McMinn. To the indictment the defendant pleaded, that he was, and the said Walker was, Cherokee natives, and members of the Cherokee nation of Indians, and the crime, if committed, was committed within the limits and jurisdiction of said Cherokee nation, that it was a sovereign community and State, governed by its own laws, to which alone the defendant was amenable, and within whose limits the Legislature, or courts of Tennessee, had no jurisdiction.—

To this plea it was, on behalf of the State of Tennessee, demurred; the circuit court over ruled the demurrer, and sustained the plea—holding the Legislature wanted power to pass the act of 1833, extending our laws beyond the Cherokee limits. From this decision, and the judgment given thereon, the Solicitor for the State prosecuted an appeal in error to the Supreme Court. On hearing the cause argued in July, time was taken to consider of it until the second Monday of October, when by a majority of the court the judgment below was ordered to be reversed, and the defendant remanded to be tried before a jury. From this judgment, sustaining the demurrer and jurisdiction, the defendant prosecuted his writ of error to the Supreme Court of the United States, to be holden on the second Monday of January next.—To that court is to be presented a contested right of sovereignty, of the deepest interest, in which the particular case giving rise to it, will form but a slight incident. The Cherokee question, before that distinguished and final tribunal, has not been advocated by counsel in favor of State Sovereignty, in the controversies between Georgia and the Cherokee nation: and there, as elsewhere, in great and *doubtful* questions, powerful and unanswered arguments have commanded decisions in their favor. No case in an American court has been argued with more zeal, or perhaps with more ability, than was the Cherokee case in 1831—and as was again Worcester's case in 1832, on behalf of the Cherokee claim to independent power: Foreman's case will present the same controversy. The principles involved lie at the foundations of our institutions; if the treaty power is *over* the Constitution, not restricted by it, and can cede away to another people independent of the States, a part of the territory once theirs, and exclude the State laws and officers from entering the ceded territory, it follows the States may be extinguished: if a part can be ceded, the whole State may be. The States emphatically are the basis of the Union, and the Federal Constitution; to extinguish them, is to extinguish the Constitution—to leave it nothing to operate upon, and none to execute it in the mode prescribed by itself. We hold the treaty power, like others, is less than the instrument giving it existence; must be exercised *under* it; and if a treaty be in violation of the Constitution, it is void, as an act of Congress would be void: Yet many and great names have maintained that the power is without limit—that a treaty may dissever the States, or do any act. If so, the Cherokees, by treaties, may be secured within defined limits, which our laws cannot enter: But, if, on the formation of the Union they were subject to the jurisdiction of North Carolina, because within her chartered limits, and the treaty pewer could not restrain that jurisdiction within narrower bounds, then the treaties were not warranted in this respect by the Constitution of the United States, and our legislation is unrestrained.

2. Congress has power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Grounded on this authority, Congress has passed laws to punish crimes within the Indian limits, committed by whites and Indians. If jurisdiction exists for this purpose, it must exist for all purposes and to every extent on the part of the United States, and the State laws are bound to give way.—The tendency of the assumption will be seen by this consideration: if crimes can be punished, and all other regulations be prescribed, grounded on the

power to regulate commerce with the Indian tribes, within the Indian limits—by the same authority may all crimes be punished, and duties be prescribed by Congress within the several States, as the same construction must run through the sentence.

The discussion and decision of this point, will involve the constitutionality of various acts of Congress, passed between 1790 and 1818. Mr. Justice McLean has pronounced them unconstitutional, after much and deliberate consideration.

3. It is assumed as the basis of the decision in Worcester's case, that the Cherokees are, and ever have been, an independent people, whose limits the State laws cannot enter. This position presents the great feature in this cause; one involving, and calling in question, a principle of inter-national law distinctly asserted by Papal Bulls, (then incontrovertible authority,) as early as the middle of the fifteenth century, and not doubted for more than three centuries after: to wit—That the right to subdue and govern infidel savages found in countries newly discovered by christians, pertained to the first christian discoverer: a rule that allowed to the North American Indians no political rights, and which was declared by Coke in Calvin's case:—truly in terms so harsh and superstitious, as to shock the present age, yet with an authoritative sanction so high as to challenge contradiction, and which no jurist can disregard, consistently with self-respect. Treat the assumption as we may, on it rests our titles to lands from the Atlantic to the Pacific: or did a reformation in religion bring about any change in national policy—the British King, on this side of the Mississippi, claimed all the rights the Pope had guarantied to his Catholic subjects on this continent and elsewhere. This right was exercised in the Colony of Carolina to the suppression and government of many tribes; but too strong evidences of which are furnished by our statute book. Or has our practice since the revolution been different—most of the old States have exercised the power of governing Indian tribes; and old and new are now in its exercise. It is the rule that he who tills the earth will ever enforce against him in the hunter state, under some pretext, regardless of a refined philanthropy to the contrary. Subject to this principle, there not open to question, was Louisiana ceded to us—a Catholic country within the ecclesiastical jurisdiction of the Pope.

Rarely can there come before any court a more absorbing matter for consideration—or one requiring higher preparation, or more talent to advocate it, than the one last stated.

4. But waving this ground: We claim to govern the Cherokees by the right of conquest. To sustain the position, we must look to some extent to the British archives, where the leading treaty of 1730, by which the Cherokees submitted to the British crown as a conquered people, is alone to be found. The Cherokee history must be traced through two centuries of time, and be sought in the earlier British annals, and in other works but partially accessible here.

These statements are made to your excellency to show that between this and the sitting of the Supreme Court in January, the time is short for preparation; and that if it be the pleasure of the State of Tennessee to employ

counsel to advocate her interest in the foregoing matter, the step could not too soon be taken.

As the presiding officer of the Court of last resort in the State of Tennessee, who allowed the writ of error as a matter of form, I could not sooner with propriety communicate the fact to your excellency, and through you to the General Assembly.

Most respectfully, I have the honor to be your obedient servant,

J. CATRON, Ch. Justice of the S. C.

His Excellency, N. CANNON,
Governor of the State of Tennessee.

On motion of Mr. Craighead, *Ordered*, that fifty copies thereof be printed.

Mr. Reagan presented the petition of sundry citizens of McMinn county, praying for a new county which was on his motion referred to the committee on new counties and county lines.

Mr. Armstrong presented the petition of sundry citizens of White county praying for a radical change in the judiciary system of the State, which was on his motion referred to the judiciary committee.

Mr. Craighead from the judiciary committee to whom was referred, a bill to prohibit prosecutions for criminal offences committed within the State of Tennessee, prior to the time when the act of 1829, known by the name of the criminal code of Tennessee, went into operation, reported that they have had the same under consideration, and had instructed him to report the same without amendment, and to recommend its passage. Said report was on motion of Mr. Totten ordered to the table.

Mr. Childress introduced a bill to extend the limits of the corporation of the town of Franklin, in the county of Williamson, and to amend the acts of the General Assembly, passed the 9th October, 1815, incorporating the inhabitants of the town of Franklin, aforesaid, which was read a first time and passed.

The bill authorising the New Orleans and Nashville rail road company, to extend their contemplated rail road into the State of Tennessee was taken up and read.

Mr. Cahal offered the following amendment in lieu of all that part of the sixth section thereof preceeding the proviso; viz: "that the exemption from taxation of the capital stock and property of said company shall be the same within this State, and for the same period as is granted by the State of Louisiana by the before recited act of incorporation.

Mr. Trousdale moved that the bill together with the amendment be referred to the committee of the whole, and be made the order of the day for Friday morning next, which said motion was lost.

On motion of Mr. Webster the Senate resolved itself into a committee of the whole, Mr. McGaughey in the chair, on the above bill and amendment.

On motion of Mr. Powell the committee rose, reported progress, asked and obtained leave to sit again.

And the Senate adjourned.

THURSDAY, NOVEMBER 5th, 1835.

Mr. Johnson presented the petition of sundry citizens of Montgomery, Stewart and Dickson counties, praying the establishment of a new county, which on motion of Mr. Johnson was referred to the committee on new counties and county lines.

Mr. Armstrong presented the return of the county court clerk of Overton county, for the year 1835; which on motion of Mr. Armstrong, was referred to the committee on finance.

On motion of Mr. Cahal the Senate resolved itself into a committee of the whole, Mr. McGaughey in the chair, on the bill authorising the New Orleans and Nashville rail road company to extend their contemplated rail road to Nashville, and the amendment heretofore offered by Mr. Cahal; after much discussion thereon, the committee rose, recommended the adoption of said amendment, and asked and obtained leave to be discharged from the further consideration of the subject.

Whereupon Mr. Gray moved to amend the amendment reported by the committee of the whole, by inserting the words, "except slaves," after the word company; and the question thereon being had, it was determined in the negative, ayes 9—noes 13.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Robertson,

Those who voted in the affirmative are,

Mr. Speaker Webster, Armstrong, Gray, McGaughey, Moore, Reagan, Rogers, Trousdale and Vernon.

Those who voted in the negative are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Graves, Henderson, Hynds, Johnson, Ledbetter, Motley, Robertson and Totten.

Mr. Hynds moved to amend said bill by striking out the whole of the seventh section and to insert the following in lieu thereof:

"That the State of Tennessee hereby relinquishes her right to subscribe for the five thousand shares of the capital stock of said company, reserved for her by the second section of the act of incorporation aforesaid. And the question thereupon being had, it was determined in the negative; ayes 4—noes 18.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Totten,

The affirmative voters are,

Messrs. Armstrong, Hynds, McGaughey and Motley.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Moore, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon.

Mr. Childress moved to amend the bill by striking from the third section the following words, "or by the taking of materials for the construction or the repair of same. Which motion was lost.

The question was thereupon had, shall said bill as reported by the committee pass; and determined in the affirmative, ayes 20—noes 2.

The ayes and noes being demanded by Mr. Hynds seconded by Mr. Totten,

The affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Moore, Motley, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon.

The affirmative voters are,

Mr. Hynds and Mr. McGaughey,

And so said bill passed a second reading.

The bill to provide for the election of Governor, members of Congress, members of the General Assembly, and electors to elect a President and Vice President of the United States, and county officers was taken up, and on motion of Mr. Graves, it was referred to the committee on privileges and elections.

And then the Senate adjourned.

FRIDAY, NOVEMBER 6th, 1835.

A bill to extend the limits of the corporation of the town of Franklin in the county of Williamson, and to amend the act of the General Assembly, passed October 9th 1815, incorporating the inhabitants of the town of Franklin aforesaid, was taken up, read a second time and passed.

Mr. Gray introduced, a bill to authorize county courts to appoint commissioners for turnpike roads which was read a first time and passed.

On motion of Mr. Ledbetter, the Senate resolved itself into a committee of the whole, Mr. McGaughey in the chair, on various propositions in relation to laying off the different counties in the State into districts for the election of Justices of the peace and constables agreeably to the provisions of the constitution, and after some time spent in consideration thereof, the committee rose, reported the following resolution, asked and obtained leave to be discharged from the further consideration of the subject.

Resolved, That a select committee consisting of seven members be appointed to whom the various propositions now before the Senate for the purpose of laying off the different counties in this State into districts of convenient size for the election of Justices of the peace and constables, so that the whole number in each county shall not be more than twenty five or four for every hundred square miles, shall be referred, whose duty it shall be to select the best mode of attaining said object, and report by bill as soon as practicable.

Said report was concurred in, and the Speaker appointed Messrs. Trousdale, Craighead, Ledbetter, Henderson, Gordon, Graves and Rogers to be of said committee.

A bill to provide for the election of sheriffs, registers, trustees and clerks for the several counties in this State, was taken up and on motion of Mr. McGaughey recommitted to the committee on privileges and elections.

A bill to authorise the New Orleans and Nashville rail road company to extend their contemplated rail road into the State of Tennessee, was taken up and read. Whereupon, Mr. Trousdale offered the following amendment to said bill, to wit:

Sec. 11th. *Be it enacted*, That whenever the Legislature may be of opinion that the charter of the corporation hereby granted shall have been violated, and that the same has been forfeited, it may be lawful by joint resolution to direct a *scire facias* to issue from the supreme court of errors and appeals in the name of the State of Tennessee, calling upon said corporation to show cause why the charter hereby granted shall not be declared forfeited and the service of said *scire facias* upon the President or any one of the directors or any known officer or agent of said company, shall be deemed a sufficient service upon said corporation, and it shall be lawful for said court and they shall have full power upon the return of the *scire facias* being made known to examine into the truth of such alleged violation, and if such violation be made to appear, then to pronounce and adjudge that the said charter is forfeited and annulled, provided that the said *scire facias* shall specify with precision the nature of the complaint and grounds upon which the forfeiture is claimed, and every issue of fact which may be found to exist between the State of Tennessee, and said corporation shall be tried by a jury to be impannelled by said court for said purpose.

Sec. 12. *And be it enacted*, That nothing contained in said act shall be so construed as to confer on said corporation the right of Banking within the limits of this State.

Mr. Graves moved to amend said amendment by striking therefrom the word "Supreme" and inserting in lieu thereof the word "Circuit." Which motion was lost.

Mr. Cahal moved to amend, by striking out the words "any two of the stockholders," and inserting the following:—"Any known officer or agent of said company." Which motion prevailing,

Mr. Hynds moved further to amend, by inserting immediately after Mr. Cahal's amendment, the words following: "If to be found within the State; and if not, upon any one of the stockholders."

Whereupon, Mr. Childress moved to lay the several amendments on the table. And the question thereon being had, it was determined in the affirmative—yeas 11, noes 10.

The yeas and nays being demanded by Mr. McGaughey, seconded by Mr. Hynds, those who voted in the affirmative are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Graves, Gray. Henderson, Johnson, Reagan, Robertson—11.

Those who voted in the negative are,

Messrs. Armstrong, Gordon, Hynds, Ledbetter, McGaughey, Moore, Rogers, Totten, Trousdale and Vernon—10.

The question then recurred upon the passage of the bill, and was determined in the affirmative—yeas 19, nays 2.

The yeas and nays being demanded by Mr. McGaughey seconded by Mr. Hynds, those who voted in the affirmative are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead,

Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Moore, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—19.

Those who voted in the negative are,

Messrs. Hynds and McGaughey—2. And so said bill passed a third reading in the Senate.

The Senate then adjourned.

SATURDAY, NOVEMBER 7th, 1835.

A bill to amend the judiciary system of this State, and to establish courts of chancery and circuit courts, was taken up and read. On motion of Mr. Gordon, re-committed to the judiciary committee.

A bill from the House of Representatives, to incorporate the Winchester Female Academy.

A bill from the House of Representatives, to amend an act entitled an act to appoint additional commissioners for the town of Perryville, in the county of Perry, passed 16th October, 1834—also,

A bill from the House of Representatives, to extend the corporation of the town of Murfreesborough, and for other purposes—also,

A bill from the House of Representatives, to amend an act passed the 5th day of January, 1830, authorising the building of a court house in the town of Rogersville—and also,

A bill from the House of Representatives, prescribing the mode of contesting elections for members of the General Assembly, were severally taken up, read a first time and passed.

A bill to extend the limits of the corporation of the town of Franklin, in the county of Williamson, and to amend the act of the General Assembly, passed October 9th, 1815, incorporating the inhabitants of the town of Franklin aforesaid—and

A bill appointing James F. Broyles a commissioner of a turnpike road, granted to Cain Broyles in 1831, were severally taken up, read a third time, passed, and ordered to be transmitted.

A bill to declare Mulberry creek in Lincoln county, navigable—and

A bill to amend an act entitled an act to establish a board of internal improvement for the county of Giles, passed the 19th of October, 1831, were severally taken up, read a second time and passed.

A bill to authorise county courts to appoint commissioners for turnpike roads, was taken up, and on motion of Mr. Gray, referred to the committee on internal improvement.

On motion of Mr. Ledbetter, it was *Ordered*, that Mr. McGaughey be added to the committee on the judiciary.

And then the Senate adjourned.

MONDAY, NOVEMBER 9th, 1835.

Mr. Cahal presented the return of the clerk of the county court of Anderson, for the year commencing the 1st of October, 1833, and ending the first of October, 1834. Which was, on his motion, referred to the committee on finance.

The bill to establish the county of Lauderdale, was on motion of Mr. Henderson, taken up and read; and after some discussion had thereon, the said bill was on motion of Mr. Totten, ordered to the table until Monday next.

Mr. Trousdale from the select committee to whom was referred sundry resolutions prescribing the manner of laying off the several counties in the State into districts of convenient size for the purpose of electing justices of the peace and constables, reported that the committee have had the same under consideration, and had instructed him to report a bill on that subject, and to recommend its passage.

The said bill was thereupon read a first time and passed.

Mr. Craighead, from the committee on the judiciary, to whom was re-committed, a bill to amend the judiciary system of the State, and to establish courts of chancery and circuit courts therein—reported that the committee have again had the same under consideration, and had instructed him to report an amendment thereto, establishing a chancery court at Rogersville, and with the amendment to recommend its passage.

On motion of Mr. McGaughey, the said bill and report were ordered to the table.

A bill prescribing the mode of contesting elections for members of the General Assembly, was on motion of Mr. Graves, referred to the committee on privileges and elections.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives concur with the amendment proposed by the Senate, to the bill authorizing the New Orleans and Nashville rail road company to extend their contemplated rail road into the State of Tennessee.

A bill to amend an act passed the 5th day of January, 1830, authorising the building of a court house in the town of Rogersville, was read a second time and passed.

A bill to amend an act entitled an act to appoint additional commissioners for the town of Perryville, in the county of Perry, passed the 16th October, 1824, was taken up and read; and after some discussion had thereon, Mr. Cahal moved its reference to the committee on internal improvement; but before the question was had thereon, the Senate, on motion of Mr. Hynds, adjourned.

And then the Senate adjourned.

TUESDAY, NOVEMBER 10th, 1835.

Mr. Armstrong presented the memorial of sundry citizens of Overton county, praying the passage of a law for the benefit of Reuben Padgot.—Which was referred, on his motion, to the committee on propositions and grievances.

Mr. Ledbetter, from the committee on education and common schools, to whom was referred, a bill from the House of Representatives, concerning the rents and profits of school lands—reported that the committee have had the same under consideration, and had instructed him to report an amendment thereto, and with the amendment to recommend the passage of the bill.

The said report so far as the proposition to amend, was concurred with, and the bill, on motion of Mr. Gray, was ordered to the table.

Mr. Craighead, from the committee of enrollments, reported as correctly enrolled, "An act to amend the laws of this State, regulating the bringing of suits upon Sheriff's bonds." The said enrolled act was signed by the speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. McGaughey, from the committee on propositions and grievances, to whom was referred, a bill to amend an act passed the 13th day of September 1806, entitled an act to prevent the citizens of other States from driving stock on the lands of the citizens of this State—reported that the committee have had the same under consideration, think the provisions thereof reasonable, and had instructed him to recommend its passage.

Whereupon the said bill was read a second time and passed.

Mr. McGaughey, from the same, to whom was referred, the memorial of sundry citizens of Obion county, praying the passage of a law, authorising George W. Rogers to hawk and peddle without license—reported that the committee have had the same under consideration, think the prayer of the petition unreasonable, and ought not to be granted.

On motion of Mr. Love, the said memorial and report were ordered to the table.

Mr. McGaughey, from the same, to whom was referred, the petition of H. L. Hulm, praying the passage of a law, granting him the privilege of practising medicine, and to authorise him to collect his fees for medical services, reported that the committee have had the same under consideration, and had instructed him to report the same unreasonable.

On motion of Mr. McGaughey, the said report and memorial were ordered to the table.

A bill to authorise Wm. C. Roadman to build a bridge across French Broad river, near Newport, in Cocke county, was taken up, and after some discussion had thereon, the said bill was on motion of Mr. Gordon, ordered to the table.

Mr. Morford asked and obtained leave to withdraw for amendment, a bill to establish a Treasury department in the Mountain district.

Mr. Armstrong introduced a bill to extend the jurisdiction of justices of the peace to five hundred dollars. And

Mr. Reagan, a bill concerning interest on bonds, bills and notes, liquidated

and settled accounts. Both of which were severally read, and referred to the committee on the judiciary.

A bill to provide for laying off the several counties in this State into districts of convenient size, within which justices of the peace and constables shall be elected—was, on motion of Mr. Trousdale, taken up and read; and after some discussion had thereon, Mr. Gray moved to lay it on the table.—Which was rejected.

Mr. Ledbetter thereupon offered the following, in lieu of the first section thereof, from the enacting clause, to wit:

That the county courts of the several counties in this State, at their first session after the 31st of December next, shall appoint commissioners to lay off their respective counties into districts (due regard being had to population and territory,) for the election of justices of the peace and constables.

And the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Trousdale thereupon submitted the following, in lieu of the said first section, viz:

Be it enacted by the General Assembly of the State of Tennessee, That there shall be appointed, by joint resolution of both branches of the General Assembly, a sufficient number of commissioners in each and every county in this State, to lay off their respective counties into districts of convenient size, for the election of justices of the peace and constables therein. And that said commissioners shall be paid for their services out of any moneys (not otherwise appropriated) in the county treasury, for which they may respectfully act.

In lieu of which, Mr. Gray offered the following:

Be it enacted by the General Assembly of the State of Tennessee, That there shall be appointed by the General Assembly, commissioners in each county in the State, who shall lay off their respective counties into districts of convenient size, (regard being had to territory and population.) There shall be justices of the peace and constables elected in each district, by the qualified voters therein, except districts including county towns, which shall elect three justices and two constables.

And the sense of the Senate being had thereon, the said amendment was rejected.

The question was thereon had upon the amendment by Mr. Trousdale—and carried.

Mr. Cahal thereupon moved to recommit the said bill and amendment to the select committee. Which motion prevailed.

Mr. Craighead submitted the following memorial of the General Assembly of the State of Tennessee, to the Senate and House of Representatives of the United States in Congress convened:

Your memorialists have witnessed with increasing interest the progress of Internal Improvement in our country since their introduction, for the last five years, and particularly those which admit the efficient application of steam power to land intercourse, and transportation by means of rail roads.

It is needless to expatiate to your intelligent and honorable body upon the advantages of our common country, in peace or war, of these modern modes

of inter-communication, and the great moral, social, military and commercial changes that seem to flow inevitably from their general introduction. Experience has satisfactorily established that they form the most expeditious, economical and safe conveyance for the object that has yet made its appearance amongst men. They are no longer viewed by the intelligent as chimerical. Experience has tested their practicability and utility, and doubts are no longer entertained of the important fact, that they are about to be generally introduced throughout our growing and prosperous country, as a means of easy and rapid intercourse among the citizens of different States over this wide spread republic. They tend powerfully to dispel those sentimental prejudices which in times of local excitement but too often lend their aid to dis-unite the parts composing this happy Union.

As a security at home, (particularly within the slave-holding States,) or as a means of national defence in time of war with foreign nations, these works appear to stand foremost and unrivalled by any measure that has heretofore been adopted by this or any other country. The complete success that every where attends their trial, and their unparallelled progress and increase since their introduction into the United States, afford among others, to your memorialists, the most flattering proofs that the time is not far distant, when the State of Tennessee will exhibit upon her bosom, one of the links of the great chain of rail roads that may connect the States together, from Maine to Louisiana.

Your memorialists take occasion here also to express their entire approval of the general mode in which it is proposed that those works be accomplished, by means of joint stock companies, chartered by the several States through which the same may pass, upon such terms and under such restrictions as their respective legislatures may deem expedient for the public good. The predominance of *individual interest* in these companies, ensure an efficient and economical construction, and a judicious administration of the works on one hand; and at the same time, there is afforded to the States and the General Government an opportunity to aid undertakings of this character in such manner as the Constitution may authorise, and sound policy may require.

The New Orleans and Nashville rail road company (whose name indicates its object,) has been chartered by the State of Louisiana; and their charter has been assented to and concurred in by the State of Tennessee, by a recent act of her General Assembly, and promises the united action of the States of Alabama and Mississippi. This company, by their perseverance and energy, afford a fair earnest of the speedy completion of the work which they have so ardently begun.

Other rail roads are also contemplated within the limits of our State, which demand our attention, while presenting this subject to your consideration.—The Mississippi and Atlantic rail road, having for its object a connection with the Mississippi river at Memphis, within this State, with the city of Charleston, in South Carolina, has been some time since chartered by this State, and a considerable portion of its stock already subscribed. Another important chain of rail road, a portion of which has been chartered and the stock taken by individuals, runs from the Mississippi river eastwardly to Middle Tennessee, and designed to be continued in that direction to the Virginia line, with

a view of being carried thence down the Valley of Virginia to the Atlantic borders in that direction.

These, not omitting the recent projection of the central rail road, as it is called, designed to connect the city of Cincinnati, Ohio, with Carleston, South Carolina, which is contemplated to pass through the eastern portion of the State of Tennessee, are, among others of a more local character, the work of this description in progress and in contemplation in this section of our country. These works of internal improvement, when viewed in reference to the extent and estimate cost—their connection and influence upon transportation of the United States mails, or the available price of public lands in their vicinity, or in their influence upon the domestic security of the citizens in the State through which they pass, against possible emergencies at home, or as a means of national defence in time of war—or in reference to their social influence or agricultural or commercial advantages, not only to the people of the whole Valley of the Mississippi, but also most remotely to the whole people of this Union. They do not yield in any respect, to any similar works of the day, upon which the Federal Government has thought it constitutional to bestow its patronising aid. Your memorialists are apprised of the views taken by the present administration of the General Government in relation to extending federal aid to works of internal improvement, and take occasion to here express their entire approval and concurrence in those views.

Your memorialists therefore most respectfully commend these undertakings to your consideration for such aid and encouragement as the constitution under which you act, may authorise, and your views of said policy may induce you to bestow.

Resolved, by the General Assembly of the State of Tennessee, That the above memorial be signed by the respective speakers of the two Houses; and that the Governor cause to be transmitted to each of our Senators and Representatives in Congress, a copy thereof, to be by them presented to the Congress of the United States.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 11th, 1835.

Mr. Johnson presented the petition of J. B. Reynolds, praying the extension of a law heretofore passed, allowing him to build a bridge across Red River. Which was referred to the committee on internal improvements.

Mr. Moore, from the committee on privileges and elections, to whom was referred, a bill from the House of Representatives prescribing the mode of contesting elections for members of the General Assembly—reported that the committee have had the same under consideration, and had instructed him to report the provisions thereof reasonable, and to recommend its passage.

On motion of Mr. Hynds, the said bill and report were ordered to the table.

A bill concerning the rents and profits of school lands, was on motion of

Mr. Ledbetter, re-committed to the committee on education and common schools.

Mr. Webster introduced a bill (accompanied by sundry documents,) to establish a new county by the name of to be composed of a part of Bedford, a part of Warren, and a part of Franklin counties.

Which was read a first time and passed.

A bill from the House of Representatives, to authorise the several county courts in this State to grant the privileges of building bridges, mill dams, and such other local and private improvements as are contemplated by the 7th and 8th sections of the eleventh article of the Constitution of Tennessee, was read a first time, passed, and

On motion of Mr. Childress, fifty copies thereof were ordered to be printed for the benefit of the Senate.

A bill from the House of Representatives, to amend the existing laws on the subject of new counties, was read a first time and passed.

A bill to amend an act passed the 13th day of September, 1830, entitled an act to prevent the citizens of other States from driving stock on the lands of the citizens of this State, was read a third time, and the question being had upon the passage of the said bill, it was determined in the affirmative—ayes 20, noes 4.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Graves, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—20.

The negative voters are,

Mr. Cahal, Gordon, Gray, and McGaughey—4.

And so said bill passed its third and last reading, and was ordered to be enrolled.

A bill to amend an act passed the 5th day of January, 1830, authorising the building of a court house in the town of Rogersville, was read a third and last time, passed, and ordered to be enrolled.

A bill to amend an act passed the 5th day of November, 1833, entitled an act to regulate ferriages and tolls at ferries kept on Tennessee river, north of the north boundary line of the State of Alabama, was taken up as amended on its last reading, and being read, Mr. Hynds offered the following proviso, as an amendment thereto, to wit:

Provided, that the rates of ferries allowed by said court shall not be greater upon travellers or citizens of other counties or States than is allowed to be received of the citizens of the county wherein said ferry is located.

And the sense of the Senate being had thereon, the said proviso was adopted.

The question then recurred upon the passage of the bill, and being thereon had, it was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being required by the Constitution, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Graves, Johnson, Love, Moore, Morford, Motley, Robertson, Rogers and Totten—12.

The negative voters are,

Mr. Armstrong, Childress, Craighead, Gray, Henderson, Hynds, Ledbetter, McGaughey, Reagan, Trousdale and Vernon—11.

And so said bill passed (with the amendment) its last reading.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein, with the said amendment.

Mr. Trousdale submitted the following:

Resolved, That the Senate shall meet in future at 2 o'clock in the afternoon, instead of half past 2, as now required.

The memorial submitted by Mr. Craighead on yesterday, to the Congress of the United States, was on his motion taken up and read. And after undergoing some discussion, was on motion of Mr. Moore, ordered to the table.

A bill to authorise Wm. C. Roadman to build a bridge across French Broad river, near Newport, in Cocke county, was on motion of Mr. Hynds taken up and read.

Mr. Reagan offered an amendment thereto, reduciug the rates of toll.—Which amendment was rejected.

Mr. Graves thereupon moved to amend, by providing, that if at any time hereafter, the General Assembly shall deem the rate of toll too great, they shall have the power to reduce the same. Which amendment was received.

The said bill was thereupon, on motion of Mr. Johnson, ordered to the table.

And then the Senate adjourned.

THURSDAY, NOVEMBER 12th, 1835.

Mr. McGaughey presented the petition of sundry citizens of Greene county, praying an appropriation of money, for the purpose of removing an obstruction in the French Broad river, known by the name of the hanging rock, which was referred on his motion to the committee on internal improvement.

Mr. Morford introduced a bill establishing a new county, to be called the county of Jones, to be taken from the northern part of Franklin, and the southern part of Warren counties.

Which was read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The Speaker of the House of Representatives did this day sign an enrolled bill, entitled an act authorising the New Orleans and Nashville rail road company to extend their contemplated rail road into the State of Tennessee. And then he withdrew.

Whereupon the speaker of the Senate signed the said enrolled bill, and ordered it to be deposited in the office of the Secretary of State.

Mr. Craighead moved to take up the memorial and resolution, heretofore submitted by him, to the Congress of the United States. Which motion prevailing, the said memorial was taken up and read—and after some discussion

thereon, Mr. Trousdale moved its indefinite postponement. Which motion also prevailed.

Mr. Robertson submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That certificate No. 7088, issued by the Register of West Tennessee, to John Sadler, for 13 acres, be referred to the Secretary of State, as commissioner of West Tennessee, for adjudication.

A bill prescribing the mode of contesting elections for members of the General Assembly, was taken up and read.

Mr. Hynds moved to amend by striking therefrom the words "ten," in the 7th line of the 1st section thereof, for the purpose of inserting in lieu, the word "thirty."

Mr. Robertson moved a division, so as to test the sense of the Senate upon striking out, which motion prevailing, the word "ten" was stricken therefrom.

Mr. McGaughey thereupon asked and obtained leave to withdraw the bill for amendment.

The resolution submitted on yesterday by Mr. Trousdale, requiring the Senate to meet at 2 o'clock in the evening, instead of half past two, as heretofore, was on his motion, taken up, read and adopted.

A bill to establish a new county by the name of to be composed of a part of Bedford, a part of Warren, and a part of Franklin counties, together with sundry documents accompanying said bill. And also,

A bill to establish the county of Jones, to be taken from the northern part of Franklin and southern part of Warren counties, was referred, on motion of Mr. Morford, to the committee on new counties and county lines.

Mr. Hynds presented the petition of sundry citizens of Jefferson and Cocke counties, praying an appropriation to clear out obstructions to navigation at the hanging rock, on French Broad river. Which was referred, on his motion, to the committee on internal improvement.

On motion of Mr. Ledbetter, the message from his excellency the Governor, together with the communication of Chief Justice Catron, in relation to the case of the State of Tennessee against James Foreman, were referred to the committee on the Judiciary.

A bill to amend the existing laws on the subject of new counties, was read a second time and passed.

Mr. Hynds submitted the following:

Resolved, That each of the Judges of the Supreme Court of Errors and Appeals be requested to furnish the Senate with a copy of the opinion delivered by them in the case of the State vs. James Foreman.

Mr. Craighead the following:

Resolved, That the Treasurers of East and West Tennessee be requested to report to this General Assembly, the amount of the rents of the school lands in the different counties, between the years 1825 and 1831—and also the amount that may have been paid over by them to the commissioners under the act of 1831.

And the rule requiring resolutions to lie one day on the table, being suspended, the said resolutions were severally read and adopted.

A bill declaring Mulberry creek in Lincoln county, navigable, was taken

up and read a third and last time in both Houses. And the question, Shall the bill pass? being had, it was determined in the affirmative—ayes 20, noes 1. The affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Reagan, Rogers, Trousdale and Vernon—20.

The negative voter is, Mr. Robertson—1.

And so said bill passed its third and last reading in both Houses, and was ordered to be enrolled.

Mr. Hynds introduced a bill to authorise Sheriffs to convey persons arrested on a criminal charge in one county, to the prison of another county for safe keeping. Which was read a first time and passed.

And then the Senate adjourned.

FRIDAY, NOVEMBER 13th, 1835.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: the speaker of the House of Representatives did this day sign an enrolled act to amend an act passed the 13th day of November 1806, entitled an act to prevent citizens of other States from driving stock on the lands of the citizens of this State.

An act to amend an act passed the 5th day of January, authorising the building of a court house in the town of Rogersville, and an act to amend an act passed the fifth day of November 1833, entitled an act to regulate ferriages and tolls at ferries kept on Tennessee river, north of the north boundary line of the State of Alabama.

All of which were signed by the speaker of the Senate and ordered to be deposited in the office of the Secretary of State.

Mr. Morford introduced a bill to incorporate the Edmonson female academy in the county of Warren, which was read a first time and passed.

The bill to incorporate the Lafayette male and female academy in Hardeman county, was amended on motion of Mr. Moore, by inserting after the word aforesaid, in the first section thereof, "and for no other use or purpose whatever".

The said bill was thereupon read as amended a third time and passed.

Ordered, That the clerk acquaint the House of Representatives of the said amendment, and ask their concurrence therein.

Mr. Ledbetter moved a revision of the resolution adopted on yesterday, directory to the Treasurers of East and West Tennessee in relation to the rents of school lands, which motion prevailing, Mr. Ledbetter submitted the following in lieu thereof, to wit:

Resolved, That the treasurers of East and West Tennessee be requested to report to the General Assembly, the amount of the rents and profits of the school lands of the different counties in this State between the years 1825 and 1831, shewing the time the same became due, also the amount that may

have been paid over by them to the commissioners under the act of 1831, and the time of such payment. The foregoing was accepted in lieu, read and adopted.

A bill from the House of Representatives to extend the corporation of the town of Murfresborough, was amended on motion of Mr. Ledbetter, including within said corporation, lots nos. 85—99—and 91, and part of lot no. 98. The said bill was read as amended a second time and passed.

Mr. Hynds asked and obtained leave to withdraw for amendment, a bill to authorize the several county courts in this State to grant the privilege of building bridges, mill dams and such other public or local or private improvements as are contemplated by the 7th and 8th sections of the 11th article of the constitution of Tennessee.

A bill to amend the law on the subject of new counties was read a third time in both houses, and the question, "shall the bill pass," it was determined in the affirmative, ayes 22—there being no negative voters:

Those who voted in the affirmative are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Love, McGaughey, Moore, Morford, Motley, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon, 22.

Mr. Brown asked and obtained leave to withdraw for amendment, a bill to amend an act to appoint additional commissioners to the town of Perryville, in the county of Perry, passed the 16th of October, 1824. The resolution submitted on yesterday, by Mr. Robertson, referring certificate warrant 7088 to the Secretary of State for adjudication, was read and referred together with said certificate and memorial to the committee on public lands.

Mr. McGaughey returned "a bill prescribing the mode of contesting elections for members of the General Assembly", and proposed to amend the same by striking out from the 1st section of the bill the following, to wit: to cause notice to be served on the candidate, and inserting in lieu thereof, the following to wit: to cause a written notice to be served on the candidate or to be left at his place of residence, and also to strike from the 14th line of said section the names of the voters challenged, and also to strike from the 2d section thereof, the words, with a list of the names of the voters challenged by him, together, all of which motions were severally put and carried.

Mr. Hynds moved to strike from the 4th section the whole of the last proviso, but before the question was had, Mr. Trousdale moved the recommittal of the bill to the committee on privileges and elections.

A bill to prohibit prosecutions for criminal offences committed within the State of Tennessee, prior to the time when the act of 1829, known by the name of the criminal code of Tennessee went into operation, was taken up, read a second time, and the question being had, shall the bill pass, it was determined in the negative, ayes 2—noes 18.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Gray,

The affirmative voters are, Mr. Love and Mr. Trousdale.

The negative voters are, Mr. Speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Motley, Reagan, Robertson, Rogers, Totten & Vernon—19.

And so said bill was rejected.

A bill to incorporate a company to open a turnpike road from Shelbyville via Fayetteville to the Alabama line, was taken up and read, Mr. Moore moved to fill the blank in said bill with the word thitry, which motion prevailed. Mr. Speaker Webster thereupon asked leave to withdraw the said bill for amendment.

And then the Senate adjourned.

SATURDAY, NOVEMBER 14th, 1835.

Mr. Cahal presented the return of the clerk of the circuit court of Marion county, shewing the amount of tax by him collected and paid over to the treasurer of East Tennessee, for the years 1833 and 1834, which was refered to the committee on finance.

Mr. Johnson presented the petition of the heirs of James Conner of South Carolina, in relation to grant no. 25,808, issued to James Conner for 4492 acres of land, which together with the said grant, were referred to the committee on public lands.

Mr. Trousdale moved to take up the bill and report to repeal an act passed by the General Assembly of the State of Tennessee, on the 15th of December 1831, entitled an act to tax the retailers of spirituous liquors and to appropriate the monies arising therefrom to the use of common schools. The said report being unfavorable to the provisions of the bill, after some discussion had thereon, Mr. Cahal moved a nonconcurrence, which motion prevailing, the said bill and report were, on motion of Mr. McGaughey, ordered to the table.

Mr. Craighead, from the judiciary committee, to whom had been re-committed, the bill to amend the judiciary system of the State, and to establish courts of chancery and circuit courts therein—reported Mr. McGaughey's amendment thereto, which provides for the establishment of a chancery court at Rogersville; and with the amendment, recommended the passage of the bill.

Mr. Graves moved to amend the said bill, by striking therefrom the word "Madisonville," and inserting in lieu thereof the word "Kingston." Which motion was rejected.

The question was then had upon a concurrence with the said report, and determined in the affirmative—ayes 15, noes 9.

The ayes and noes being demanded by Mr. Gordon, seconded by Mr. Love, the affirmative voters are,

Mr. Speaker Webster, Childress, Craighead, Graves, Hynds, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Reagan, Robertson, Totten, Trousdale and Vernon—15.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Gordon, Gray, Graves, Henderson, Johnson, and Rogers—9.

And so the said report was concurred in.

The said bill was thereupon, on motion of Mr. Webster, ordered to the table.

Mr. Hynds returned with an amendment, a bill to authorise the several county courts in this State to grant the privilege of building bridges, mill dams, and such other local and private improvements as are contemplated by the 7th and 8th section of the 11th article of the Constitution of Tennessee.

The said bill and amendment were on motion of Mr. Hynds, ordered to the table.

Mr. Speaker Webster, in pursuance of notice given yesterday, moved to amend the 36th rule for the government of the Senate, by inserting the following after the word reading, to wit:—Except it be an essential provision to the same; and then shall be read once on three different days, before it shall become a part of the bill.

After some discussion had thereon, the said proposition was on motion of Mr. Hynds, ordered to the table.

Mr. Gordon presented the following report from A. Van Wyck, cashier of the Union Bank of Tennessee, made in obedience of a resolution adopted on the 13th instant:

[This report was not inserted by the clerk; and cannot, at present, be found by the Public Printers. If it can be found at all, it shall be printed at the end of the Journal, to which we refer the reader.]

On motion of Mr. Hynds, *Ordered*, That fifty copies of the foregoing report be printed for the use of the Senate.

And then the Senate adjourned.

MONDAY, NOVEMBER 16th, 1835.

A bill from the House of Representatives, to establish a supreme court, in pursuance of the second section, article 6th, of the constitution of the State of Tennessee, was read a first time and passed.

A bill to establish chancery courts, was reported by Mr. Craighead, chairman of the committee on the judiciary—read a first time and passed.

A bill to authorise the several county courts in this State to grant the privilege of building bridges, mill dams, and such other local and private improvements as are contemplated by the 7th and 8th sections of the 11th article of the constitution of Tennessee, was, together with the amendment offered by Mr. Hynds, referred to the committee on the judiciary.

On motion of Mr. Love, *Ordered*, That the memorial of George W. Rogers be referred to the committee on the judiciary.

On motion of Mr. Childress, *Ordered*, That the resolution heretofore submitted by him, directory to the judiciary committee in relation to local legislation, be referred to said committee.

Received from the House of Representatives, by Mr. Mitchell, their clerk:

A copy of a message from his excellency, Newton Cannon, together with

a copy of a communication made to him by the principal chief, the assistant principal chief, the council and committees of the Cherokee nation. Which was read and ordered to the table.

Mr. Johnson introduced a bill for the relief of James B. Reynolds and others. Which was read, and referred on his motion, to the committee on internal improvement.

Mr. Brown returned with an amendment, a bill to amend an act, entitled an act to appoint additional commissioners for the town of Perryville, in the county of Perry, passed the 16th October, 1825. Said amendment was received, the bill read as amended a second time and passed.

A bill to establish the county of Lauderdale, was taken up and read.

Mr. Totten offered an amendment thereto, in lieu of all that part of the first section thereof, designating the boundaries of said county. Which amendment was accepted— the bill read as amended a second time and passed.

Mr. Trousdale, from the select committee to whom was re-committed, a bill to provide for laying off the several counties in this State into districts of convenient size, within which justices of the peace and constables shall be elected—reported, that the committee have again had the same under consideration, and had instructed him to report an additional section thereto, and with the amendment to recommend the passage of the bill.

Mr. Totten moved to strike from the first section of said bill, the words, "a sufficient number of commissioners." Which motion prevailed.

Mr. Moore moved to fill the blank occasioned by striking out, with the words, "That three suitable persons for each county." In lieu of which,

Mr. Gordon moved to insert the words, "five suitable persons in each and every county, a majority of whom may act." Which last amendment was received.

Mr. Graves thereupon offered the following, in lieu of the said first section, to wit:

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it is hereby made the duty of the justices of the different counties in this State, to meet at the court house of their respective counties, on the day of next; which justices (a majority being present) shall proceed to lay off their counties into districts, as provided by the second section of this act. And if a majority should not attend, or if a majority should attend, and cannot agree on the boundary lines of the district, they shall meet again on the succeeding day; and if a majority should not attend on the second day, or if a majority should attend, and cannot agree on the boundary lines of the district, it shall be their duty again to meet on the succeeding day; and those that do attend, shall appoint one commissioner, living in the bounds of each battalion in said county, to lay off said districts, who shall be notified by the sheriffs of their respective counties, to meet within five days after such appointment, at the court house, for the purpose of laying off said districts, agreeably to the provisions of this act; which commissioners shall have power to meet and adjourn as often as they may deem necessary for the transacting of said business, so as to complete the same within one week from the time of their first meeting."

Mr. Childress moved to amend the foregoing amendment, by inserting the

words "to appoint a sufficient number of commissioners" after the words "shall proceed." Which was received.

Mr. Trousdale thereupon moved an adjournment—and the question thereon being had, it was determined in the negative—ayes 10, noes 13.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Gray, the affirmative voters are,

Mr. Craighead, Graves, Hynds, Johnson, Love, Moore, Morford, Robertson, Rogers and Trousdale—10.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Gray, Henderson, Ledbetter, McGaughey, Reagan, Totten and Vernon—13.

Mr. Love thereupon moved to lay the said amendment on the table. And the question thereon being had, it was determined in the negative—ayes 11, noes 12.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Love, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Craighead, Gordon, Gray, Henderson, Johnson, Love, Moore, Morford and Trousdale—11.

The negative voters are,

Mr. Brown, Cahal, Childress, Graves, Hynds, Ledbetter, McGaughey, Reagan, Robertson, Rogers, Totten and Vernon—12.

Mr. Hynds thereupon moved to lay the said bill, together with the said amendment on the table. Which motion prevailed.

And then the Senate adjourned.

TUESDAY, NOVEMBER 17th, 1835.

Mr. Hynds presented the petition of sundry citizens of Cocke county, praying the grant of a charter for a turnpike road. Which was referred to the committee on internal improvement.

Mr. Hynds also presented the petition of sundry citizens of Jefferson county, praying the establishment of precinct elections in each captain's company. Which was referred, on his motion, to the committee on privileges and elections. And also, the petition of the 70th regiment of Tennessee militia, praying a separate battalion. Which was referred to the committee on military affairs.

Mr. Henderson introduced a bill to incorporate the Ashport turnpike company. Which was read a first time and passed.

Mr. Cahal presented the returns of the clerk of the county court, and the returns of the clerk of the circuit court of Morgan county, shewing the amount of State tax paid over to the Treasurer of East Tennessee, for the years 1833 and 1834. Which was referred to the committee on finance.

Mr. Moore, from the committee on privileges and elections, to whom was referred, a bill prescribing the mode of contesting elections for members of the General Assembly—reported, that the committee have had the same under consideration, and had instructed him to recommend an amendment,

by striking therefrom the first proviso to the fourth section thereof; and with that amendment, to recommend its passage.

The said report was non-concurred with.

Mr. Cahal thereupon moved to lay the bill upon the table. Which motion was rejected.

Mr. Gray moved to transpose the provisoes to the fourth section. Which motion prevailed.

Mr. Henderson offered the following additional section, as an amendment to said bill, to wit:

Be it enacted, That in all future elections, either civil or military, no person shall be entitled to a vote, should he be a candidate in said election; but may vote in all elections in which he is not a candidate.

And the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Trousdale thereupon moved to strike from the 4th section of said bill, the two provisoes thereto. Which motion prevailed.

Mr. Love then moved the indefinite postponement of the bill. Which motion was rejected.

Mr. Hynds thereupon moved to lay the bill upon the table, which motion prevailed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The House of Representatives have passed a third time with an amendment, a bill from the Senate to authorize the county courts in certain cases, to order the sale of the sites and materials of jails and public prisons and to purchase others, and then he withdrew; whereupon the said amendment was read and concurred with, and the bill ordered to be enrolled.

Mr. Craighead, from the committee on enrollments, reported as correctly enrolled, a bill to amend an act to incorporate a company for opening a turnpike road from Nashville to the top of the ridge about one mile from Elijah Robertson's in a direction from Nashville via Charlotte to the Western District and for other purposes.

The said enrolled bill was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. Speaker Webster presented the written opinions of Judges Catron, Green and Peck, delivered by them in the case of the State of Tennessee, vs. James Foreman—furnished by him in obedience to a resolution adopted in Senate on the 12th inst.

Mr. Trousdale moved that one hundred copies of the said opinions, be printed in pamphlet form, for the use of the Senate.

Mr. Cahal moved to lay the said opinions, together with the motion to print, upon the table, and the question thereon being had, it was determined in the negative, ayes 9—noes 15.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Hynds,

The affirmative voters are,

Mr. Brown, Cahal, Henderson, Jonnson, Ledbetter, Morford, Motley, Robertson and Rogers—9.

The negative voters are,

Mr. Speaker Webster, Armstrong, Childress, Craighead, Gordon, Graves, Gray, Hynds, Love, McGaughey, Moore, Reagan, Totten, Trousdale and Vernon—15.

And so said motion was rejected.

The question then recurred upon Mr. Trousdale's motion to print, and being thereon had, it was determined in the affirmative, ayes 16—noes 8.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Morford,

The affirmative voters are,

Mr. speaker Webster, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Love, McGaughey, Moore, Motley, Reagan, Totten, Trousdale and Vernon—16.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Henderson, Ledbetter, Morford, Robertson and Rogers—8.

Mr. Vernon introduced a bill to establish the dividing line between the counties of Rhea and McMinn.

Mr. Trousdale a bill to open and extend the streets of the town of Gallatin, in Sumner county.

Mr. Childress a bill more effectually to suppress excessive litigation in courts of justice, and

Mr. Reagan a bill prescribing the duties of justices of the peace on executions in certain cases; all of which were severally read a first time and passed.

A bill to establish the county of Lauderdale, was, on motion of Mr. Henderson, taken up and read.

Mr. Henderson moved to amend the said bill by striking from the first section thereof the amendment made on yesterday by Mr. Totten, designating the lines and boundaries of said county, for the purpose of reinstating that part of the original bill; which motion prevailed.

The bill was thereupon read as amended a third time, and the question shall the bill pass, being had, it was determined in the affirmative, ayes 22—noes 1.

The ayes and noes being required by the Constitution, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Reagan, Robertson, Rogers, Trousdale and Vernon—22.

The negative voter is Mr. Totten—1. And so said bill passed its third reading.

A bill to amend an act entitled an act to appoint additional commissioners for the town of Perryville, in the county of Perry, passed the 16th October, 1824, was read a third time and passed.

On motion of Mr. Gray, ordered that thirty copies of the bill to estab-

lish a supreme court, in pursuance of the second section of the 6th article of the constitution of the State of Tennessee, be printed for the use of the Senate.

Mr. Childress submitted the following:

Resolved, That in future, the first thing in order in the Senate, after the morning's business is through, shall be the unfinished business (if any) of the preceding day.

Mr Ledbetter moved a re-consideration of the vote, passing the bill establishing the county of Lauderdale. And the question thereon being had, it was determined in the affirmative—ayes 17, noes 5.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Totten,

The affirmative voters are,

Mr. Brown, Childress, Craighead, Gordon, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Reagan, Totten, Trousdale and Vernon—17.

The negative voters are,

Mr. speaker Webster, Cahal, Graves, Henderson and Robertson—5.

And so said bill was reconsidered.

Mr. Hynds thereupon moved a re-consideration of the vote, adopting the amendment of Mr. Henderson, to the first section of said bill, which motion prevailing, the said bill was again put upon its passage, and carried—ayes 18, noes 4.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Motley, Reagan, Totten, Trousdale and Vernon—18.

The negative voters are,

Mr. speaker Webster, Cahal, Morford and Robertson—4.

And so said bill passed its third reading.

Mr. Hynds asked and obtained leave to withdraw for amendment, a bill to pravide for laying off the several counties in this State into districts of convenient size within which justices of the peace and constables shall be elected.

Mr. speaker Webster returned the bill to incorporate a company to open a turnpike road from Shelbyville via Fayetteville to the Alabama line, and proposed to amend the same by adding the name of Benjamin Gamble as one of the commissioners of said road.

Which proposition was rejected.

Mr. speaker Webster then movod to amend the said bill by striking from the 6th section thereof, the words "of Fayetteville," after the word "Shelbyville."

Which motion was also rejected.

Mr. speaker Webster thereupon moved to lay the said bill upon the table

Which motion also failed.

The said bill was thereupon read a second time and passed.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 18th, 1835.

Mr. Hynds returned with an amendment, the bill for laying off the several counties in this State into districts of convenient size, within which justices of the peace and constables shall be elected.

The said bill together with the amendment heretofore reported by the select committee, requiring the commissioners to make two fair platts of their respective counties, and the several districts in each as laid off by them; one of which to be returned to the office of the Secretary of State, and the other to be returned to the office of the register of which it is a platt, to be recorded and kept by him for the use of the public, or of any individual that may wish to examine the same, being read.

Mr. Trousdale moved to strike from the 6th section of said bill, that part thereof, providing, that said commissioners shall not be authorised to employ surveyors in designating said boundaries, and after some discussion had thereon, Mr. Childress moved the previous question.

Mr. Hynds moved to lay the said bill and amendments on the table.

Which motion failed.

The question then recurred upon Mr. Childress' call for the previous question.

The speaker decided the motion to be out of order, from which decision Mr. Childress appealed to the Senate, and the decision was sustained—ayes 15, noes 8

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Childress,

The affirmative voters are,

Mr. Armstrong, Craighead, Graves, Gray, Henderson, Hynds, Johnson, Moore, Motley, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon —15.

The negative voters are,

Mr. Brown, Cahal, Childress, Gordon, Ledbetter, Love, McGaughey and Morford—8. And so said decision was sustained.

Mr. Johnson then moved the previous question upon Mr. Trousdale's motion, which being sustained, the question was had upon Mr. Trousdale's motion to strike out, and determined in the negative—ayes 9, noes 15.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Hynds, the affirmative voters are,

Mr. speaker Webster, Cahal, Craighead, Henderson, Johnson, Moore, Morford, Totten and Trousdale—9.

The negative voters are,

Mr. Armstrong, Brown, Childress, Gordon, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Motley, Reagan, Robertson, Rogers and Vernon—15.

On motion of Mr. Gordon, the report of the committee was amended by requiring ideal platts of the district to be made.

The said report as amended, was on motion of Mr. Trousdale, concurred with.

The Senate then adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. speaker Webster presented the report of Thomas Crutcher, Esq., Treasurer of West Tennessee, made in obedience to a resolution adopted in Senate on the 13th instant, requiring him to report to this General Assembly, the amount of rents received for school lands from the year 1825, to the year 1831, which was read and referred on motion of Mr. Moore, to the committee on education and common schools.

Mr. speaker Webster also presented the report of N. Hobson, Cashier of the Planters' Bank of Tennessee, shewing the amount of notes in circultion upon that institution payable in this state, and also the amount payable out of the state; which was read and referred on motion of Mr. McGaughey to the committee on Banks.

A bill to open and extend the streets of the town of Gallatin, in Sumner county, was read a second time and passed.

A bill prescribing the duties of justices of the peace on executions in certain cases, was referred on motion of Mr. Gordon, to the committee on the judiciary.

Mr. Totten asked and obtained leave to withdraw for amendment, a bill to incorporate the Ashport turnpike company.

On motion of Mr. McGaughey, the bill for laying off the several counties in this state into districts of convenient size, within which justices of the peace and constables shall be elected—was again taken up and read.

Mr. Hynds offered the following amendment thereto, to wit:

That the territory embraced within the boundaries of each of the captain's companies as at present established in the counties of Carter, Sullivan, Hawkins, Greene, Cocke, Jefferson, Sevier, Blount, Grainger, Claiborne, Campbell, Anderson, Morgan, Roane, Rhea, Hamilton, Bledsoe, Monroe, McMinn and Marion, shall be, and the same are hereby established as districts for the said counties respectively; and each of said districts shall elect two justices of the peace and one constable, except such districts as may include the county towns in each of said counties, which shall elect three justices of the peace and two constables. And it shall be the duty of the clerk of the county court in each of the above named counties, to ascertain from the judge-advocate of the regiments in each county, the true lines of each captain's company as at present laid off, and shall record the same in his office; which lines, so established, shall be considered the true lines of each justice's district, until altered and changed by a majority of the acting justices of the peace in each of said counties. Which change and alteration shall in like manner be entered of record in the office of the clerk of the county court: Provided any of the above counties contain more than twenty-five captain's companies, three of the smaller companies shall be taken to compose two districts, until the number be reduced to twenty-five.

Be it enacted, That there shall be appointed by commissioners in each of the counties not mentioned in the above section, whose duty it shall be to lay off their respective counties into districts of convenient size for the election of justices of the peace and constables therein, so that no one

county shall contain more than twenty-five districts, or four for every hundred square miles, and said commissioners.

The amendment submitted by Mr. Graves on Monday last, was considered first in order; which being read,

Mr. Childress moved a division, which motion prevailing, the question was had upon the adoption of the following part, to wit:

Be it enacted by the General Assembly of the State of Tennessee, That it is hereby made the duty of the justices of the peace of the different counties in this State, to meet at the court house of their respective counties, on the day of next, which justices (a majority being present) shall proceed to appoint a sufficient number of commissioners to lay off their counties as provided for by this act,

And determined in the negative—ayes 9, noes 14.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Totten, the affirmative voters are,

Mr. Childress, Graves, Henderson, Love, McGaughey, Motley, Reagan, Rogers and Vernon—9.

The negative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Craighead, Gordon, Gray, Hynds, Johnson, Ledbetter, Moore, Robertson, Totten and Trousdale—14.

And so said amendment was rejected.

The question then recurred upon the amendment of Mr. Hynds. Mr. Henderson moved to strike therefrom all that part thereof, which provides for the payment of the commissioners. Which motion prevailed.

The question then recurred upon the adoption of the remainder of said amendment—and being thereon had, it was determined in the negative—ayes 7, noes 17.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Reagan, the affirmative voters are,

Mr. Hynds, Ledbetter, Love, McGaughey, Reagan, Rogers & Vernon—7.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Moore, Morford, Motley, Robertson, Totten and Trousdale—17.

And so said amendment was rejected.

Mr. Hynds thereupon moved the following, in lieu of the whole of said bill from the enacting clause, to wit:

That the territory embraced within the boundaries of each of the captain's companies in the counties of Carter, Sullivan, Hawkins, Grainger, Claiborne, Cocke, Sevier, Jefferson, Blount, Campbell, Anderson, Morgan, Roane, Rhea, Bledsoe, Marion, Hamilton, Franklin, Warren, White, Fentress, Overton, Jackson, Sumner, Robertson, Montgomery, Dickson, Hickman, Lawrence, Wayne, Hardin, Stewart, Humphreys, Perry, Henry, Madison, Haywood, Hardeman, Carroll, Gibson, Henderson, McNairy, Fayette, Shelby, Tipton, Dyer and Obion, shall be and the same are hereby established as districts in said counties.

Sec. 2. Be it enacted, That the county courts, (a majority of the justices being present) of the counties of Smith, Wilson, Davidson, Rutherford, Wil-

liamson, Maury, Bedford, Giles, Lincoln, McMinn, Monroe, Greene, Washington and Knox, at their first session after the first day of January, 1836, shall unite two of the captain's companies of their respective counties, which companies shall join each other, and when so united, the territory so embraced shall compose one district. And in the event there shall be an odd company in any of the said counties, said company shall compose the district including the county town of such county: Provided, nevertheless, the said county court may lay off the districts of their respective counties in this section mentioned, in any other mode they may think more expedient, so that the whole number in each county shall not exceed twenty-five, or four for every one hundred square miles.

Sec. 3. Be it enacted, That the county courts of the respective counties in this state, (a majority of the justices being present) shall, at the first session after the first day of January next, designate the boundaries of the districts, which shall be established pursuant to the first and second sections of this act, and have the same placed upon the record of their respective courts, which shall remain fixed and permanent until the General Assembly shall otherwise direct.

Sec. 4. Be it enacted, That there shall be elected in each district, two justices of the peace and one constable, by the qualified voters therein, except districts including county towns, which shall elect three justices and two constables. Justices of the peace shall be elected for the term of six, and constables for the term of two years.

Sec. 5. Be it enacted, That the sheriff or coroner of the respective counties in this state, shall, on the first Saturday of in 1836, open and hold an election for justices of the peace, and constable or constables, as the case may be, at such convenient place in each of said districts, as the county courts shall respectively establish, after having given days notice thereof by advertisement, at three of the most public places in the respective districts.

Sec. 6. Be it enacted, That the sheriff or coroner, as the case may be, of the respective counties in this state, shall, on the first Saturday of 1836, open and hold an election for justices of the peace, and constable or constables, as the case may be, shall, by and with the advice of a justice of the peace of said county, appoint three judges and two clerks of said elections, previous to opening the polls, who shall be duly qualified by a justice of the peace, or officer holding such election. The polls shall be opened at 10 o'clock A. M. and closed at 3 P. M. Upon comparing the whole of the votes polled in each district, those persons having the highest number of votes for justices of the peace, shall be declared duly elected justices; and those persons having the highest number of votes for constable, shall be declared duly elected constable or constables for their respective districts.

Sec. 7. Be it enacted, That the sheriffs of the respective counties aforesaid, shall, immediately after the election, make out a certificate of said elections, showing who are elected justices of the peace in the respective districts of his county, and shall forward the same to the Governor, who shall issue a commission to the justice or justices of the peace; which commission shall be filed in the county court of the county in which such justice or justices of the peace shall be elected—which court shall qualify said justice or justices,

as now prescribed by law. After which he shall enter upon the duties of his office; and the said sheriff shall certify to the county court as aforesaid, the person or persons elected constable or constables, as the case may be, of the respective districts of his county; and thereupon said court shall take bond and security from said constable and constables, and qualify him as now prescribed by law. After which, said constable or constables shall enter upon the duties of the office of constable.

Sec. 8. Be it enacted, That the first election for justices of the peace and constables, shall be held on the first Saturday of 1836, and ever afterwards the sheriffs or coroners shall, every six years, on the first Saturday of hold an election according to the provisions of this act, in said districts for justices of the peace; and every two years after said first election, on the first Saturdry of for the appointment of constables, who shall make the necessary returns; and after said justices of the peace and constables shall be qualified in the manner prescribed in this act, they shall enter upon the duties of their respective offices.

Sec. 9. Be it enacted, That any of the justices of the peace or constables who shall be guilty of any misdemeanor in office, shall be liable to be indicted in the circuit courts of this State, and upon conviction, shall be removed from office by said court.

Sec. 10. Be it enacted, That if a vacancy occur in the office of justice of the peace or constable, by death, resignation or removal from office, or by the removal of any of said officers from the district in which he was elected, the sheriff or coroner shall immediately thereafter, by giving twenty days notice, by advertisement as aforesaid, open and hold an election in said district, to fill such vacancy, agreeably to the provisions of this act; and the person elected shall be qualified as aforesaid, and shall hold his office for and during the term for which his predecessor was elected, and no longer.

Sec. 11. Be it enacted, That the justices of the peace and constables of this State, shall hold their offices until the elections provided for by this act shall take place, and until the officers so elected shall be duly qualified, and no longer.

And the question thereon being had, the said amendment was rejected—ayes 5, noes 19.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Henderson, the affirmative voters are,

Mr. Hynds, Love, McGaughey, Reagan and Rogers—5.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Moore, Morford, Motley, Robertson, Totten, Trousdale and Vernon—19.

And so said amendment was rejected.

Mr. Graves thereupon offered the following amendment to the said bill, to wit:

Sec. 2. Be it enacted, That in laying off said districts, the commissioners shall lay them off and be governed by the following ratio of population, to wit: Each county that contains three thousand voters and upwards, shall be laid off in not less than twenty, nor more than twenty-five districts; each

county containing two thousand voters and under three, shall be laid off in not less than fifteen nor more than twenty districts; each county that contains not less than one thousand nor more than two, shall be laid off into not less than ten nor more than fifteen districts; and each county containing under one thousand voters, shall be laid off into not less than eight, nor more than ten districts. And the said commissioners, at the time they lay off the districts, shall designate some place as near the centre as a convenient place can be had, for the purpose of holding elections, which shall continue to be the place for holding elections in said district, until altered or removed by a majority of the voters of said district.

In lieu of which, Mr. Gray offered the following, to wit:

Be it enacted, That each county which contains three thousand qualified voters or upwards, shall be laid off into twenty-five districts; that each county that contains twenty-five hundred qualified voters, and under three thousand, shall be laid off into districts; that each county that contains two thousand qualified voters and under twenty-five hundred, shall be laid off into districts; that each county that contains fifteen hundred qualified voters, and under two thousand, shall be laid off into districts; that each county that contains one thousand qualified voters, and under fifteen hundred, shall be laid off into districts; that each county that contains seven hundred qualified voters, and under one thousand, shall be laid off into districts; and that each county that contains under seven hundred qualified voters shall be laid off into districts.

Mr. Johnson thereupon moved to lay the foregoing amendmend on the table, and the question thereon being had, it was determined in the negative—ayes 6—noes 18.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Hynds, the affirmative voters are,

Mr. Speaker Webster, Brown, Childress, Johnson, Morford and Trousdale—6.

The negative voters are,

Mr. Armstrong, Cahal, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Love, McGaughey, Moore, Motley, Reagan, Robertson, Rogers, Totten and Vernon—18.

And so said motion was rejected.

The question then recurred upon the reception of Mr. Gray's amendment, in lieu of the amendment of Mr. Graves, and being thereon had, it was determined in the affirmative.

The question was then had upon the adoption of Mr. Gray's said amendment, as part of said bill, and determined in the affirmative.

Mr. Gordon thereupon asked and obtained leave to withdraw the said bill for amendment.

And then the Senate adjourned.

THURSDAY, NOVEMBER 19th, 1835.

Mr. Childress presented the petition of sundry citizens of Williamson county, praying the passage of a law, granting them a charter for a bank, to be located in the town of Franklin.

Which was referred on his motion to the committee on Banks.

Mr. Moore from the committee on privileges and elections, returned a bill heretofore referred to said committee, to provide an easy and accurate mode of ascertaining illegal votes in contested elections; reported that the committee have had the same under consideration, and had instructed him to report the provisions thereof, unreasonable, and to recommend its rejection.

Mr. Cahal moved a non-concurrence with said report, which motion prevailing, the said bill was on motion of Mr. McGaughey, re-committed to the said committee.

Mr. Craighead from the committee on enrolled bills reported as correctly enrolled, an act, giving further time to the purchasers and enterers of land in the Hiwassee district to obtain their grants.

An act to amend an act entitled an act to establish the Planters Bank of Tennessee, passed November 15th, 1833.

An act to authorize the county courts in certain cases, to order the sale of the sites and materials of jails and public prisons, and to purchase others.

And an act appointing James F. Broyles, a commissioner of a turnpike road granted to Cain Broyles, in 1831. And

An act to extend the limits of the corporation of the town of Franklin in the county of Williamson, and to amend the act of the General Assembly, passed October 9th, 1813, incorporating the inhabitants of the town of Franklin aforesaid.

All of which were signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives concur with the amendments proposed by the Senate, to a bill, to incorporate Lafayette male and female academies, in the North West corner of Hardeman county. And also with the several amendments to the bill, to amend an act entitled an act to appoint additional commissioners for the town of Perryville, in the county of Perry, passed the 16th October, 1824.

A bill to open and extend the streets of the town of Gallatin, in Sumner county. And

A bill to extend the corporation of the town of Murfreesboro, and for other purposes. Were severally read a third time and passed.

Mr. Totten returned with an amendment, a bill to incorporate the Ashport turnpike company. The said amendment was accepted, the bill read as amended a second time and passed.

A bill from the House of Representatives to incorporate Midsylvania female academy, in the county of Rutherford, being read, Mr. Cahal moved to strike from the first section thereof the word Honorable and the word

Doctor, preceding the names to which they are attached, said motion prevailed, the amendment made, and the bill read as amended a first time and passed.

A bill to amend an act, entitled an act, to establish a bank of internal improvement for the county of Giles, passed the 19th of December, 1831, was read a third and last time passed, and ordered to be enrolled.

Mr. Reagan introduced a bill to repeal part of an act passed on the 16th day of December, 1831, chapter 102, entitled, an act conveying free persons of color, and for other purposes. Which was read a first time and passed.

A bill to incorporate the Edmonson female academy, in the county of Warren. And

A bill to authorise Sheriffs to convey persons arrested on a criminal charge in one county, to the prison of another county for safe keeping, were severally read a second time and passed.

A bill to establish a supreme court, in pursuance of the second section, article 6th, of the constitution of the State of Tennessee, was, on motion of Mr. Morford, taken up and read.

Mr. Craighead moved to strike from the 20th section thereof, the words, eighteen hundred dollars, for the purpose of inserting twenty four hundred dollars, as the salary of said judges.

Mr. Trousdale moved to amend the said motion by substituting the words, twenty five hundred dollars, for the words, twenty-four hundred dollars. Mr. Cahal moved a division of the motion of Mr. Craighead, so as to test the sense of the Senate upon striking out, which was accepted by Mr. Craighead.

Mr. Ledbetter thereupon moved to lay the bill upon the table. Said motion was rejected.

The question then recurred upon the motion to strike out, and being thereon had it was determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Ledbetter, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Graves, Henderson, Johnson, Love, Moore, Morford, Robertson, Totten and Trousdale—14.

The negative voters are,

Mr. Speaker Webster, Armstrong, Gray, Hynds, Ledbetter, McGaughey, Motley, Reagan, Rogers and Vernon—10.

And so said motion prevailed.

And then the Senate adjourned.

FRIDAY, NOVEMBER 20th, 1835.

The resolution heretofore submitted by Mr. Childress, requiring the Senate to take up and consider (first) the unfinished business of the preceding day, if any, was taken up and read. In lieu of which,

Mr. Childress submitted the following:

Resolved, That in future, when the Senate shall adjourn, having under consideration any bill or resolution, and the same shall not have been laid

upon the table by order of the Senate, before such adjournment, the same shall be the first in order after the morning's business is through, on the succeeding day. Which was accepted and adopted.

In obedience to which, the bill (under consideration at the adjournment of the Senate on yesterday,) to establish a supreme court, in pursuance of the second section, article the 6th, of the constitution of the State of Tennessee, was taken up and announced.

The motion of Mr. Trousdale, to fill the blank with the sum of twenty-five hundred dollars, was first considered. In lieu of which,

Mr. Henderson moved the sum of three thousand dollars. Which last motion having precedence, the question was thereon had, and determined in the negative—ayes 6, noes 18.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Reagan, the affirmative voters are,

Mr. Brown, Cahal, Craighead, Henderson, Totten and Trousdale—6.

The negative voters are,

Mr. Speaker Webster, Armstrong, Childress, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Reagan, Robertson, Rogers and Vernon—18.

The question then recurred upon the motion of Mr. Trousdale, to fill the blank with the words twenty-five hundred dollars—and being thereon had, it was determined in the negative—ayes 9, noes 15.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Reagan, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Totten and Trousdale—9.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Reagan, Robertson, Rogers and Vernon—15.

The question next recurred upon the motion of Mr. Craighead, to fill the blank with the words twenty-four hundred dollars—and being thereon had, it was determined in the negative—ayes 9, noes 15.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Reagan, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Totten and Trousdale—9.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Reagan, Robertson, Rogers and Vernon—15.

Mr. Robertson thereupon moved to fill the blank with the words twenty-two hundred dollars. And the question thereon being had, it was determined in the negative—ayes 10, noes 14.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Reagan, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Robertson, Totten and Trousdale—10.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Reagan, Rogers and Vernon—14.

Mr. Trousdale thereupon moved to fill the blank with the words, two thousand dollars. And the question thereon being had, it was determined in the negative—ayes 11, noes 13.

The affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Moore, Robertson, Totten and Trousdale—11.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Morford, Motley, Reagan, Rogers and Vernon—13.

Mr. Graves thereupon moved to fill the blank with the words, fifteen hundred. And the question being had thereon, it was determined in the negative—ayes 6, noes 18.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Robertson, the affirmative voters are,

Mr. Armstrong, Graves, McGaughey, Reagan, Rogers and Vernon—6.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Robertson, Totten and Trousdale—18.

Mr. Johnson then moved to fill the blank with the words, eighteen hundred and fifty. And the question thereon being had, it was determined in the negative—ayes 10, noes 14.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Reagan, the affirmative voters are,

Mr. Speaker Webster, Brown, Childress, Craighead, Gordon, Johnson, Moore, Robertson, Totten and Trousdale—10.

The negative voters are,

Mr. Armstrong, Cahal, Graves, Gray, Henderson, Hynds, Ledbetter, Love, McGaughey, Morford, Motley, Reagan, Rogers, & Vernon—14.

Mr. Trousdale thereupon moved to lay the said bill upon the table. And the question thereon being had, it was determined in the negative—ayes 8, noes 16.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Graves, the affirmative voters are,

Mr. Speaker Webster, Cahal, Childress, Craighead, Johnson, Robertson, Totten and Trousdale—8.

The negative voters are,

Mr. Armstrong, Brown, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Reagan and Vernon—16.

Mr. Moore thereupon moved a re-consideration of the vote of yesterday, striking from said bill the words "eighteen hundred." And thereupon the question was had and determined in the affirmative—ayes 18, noes 6.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Henderson, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon,

Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Rogers and Vernon—18.

The negative voters are,

Mr. Cahal, Henderson, Reagan, Robertson, Totten and Trousdale—6.

Mr. Henderson thereupon moved to strike from said bill, the words, "one term," for the purpose of inserting the words "two terms." And the question thereon being had, it was determined in the affirmative—ayes 15, noes 9.

The ayes and noes being demanded by Mr. Reagan, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Graves, Gray, Henderson, Ledbetter, Love, McGaughey, Motley, Reagan, Robertson, Rogers and Vernon—15.

The negative voters are,

Mr. Childress, Craighead, Gordon, Hynds, Johnson, Moore, Morford, Totten and Trousdale—9.

Mr. Totten thereupon asked and obtained leave to withdraw the said bill for further amendment.

Mr. Speaker Webster presented the petition of sundry citizens of Bedford county, in relation to a new county. Which was referred to the committee on new counties and county lines.

A bill to incorporate the Ashport turnpike company—was read a third time, passed, and ordered to be transmitted.

Mr. Vernon introduced a bill to authorise John Kelley, John Rice, and Pleasant H. Butler to open and keep up a turnpike road. And

Mr. Rogers, a bill to appoint commissioners to the Hembry turnpike road, in the county of Morgan.

Both of which were severally read a first time and passed.

Received from the House of Representatives—a bill to authorize the board of common school commissioners of Hardeman county, to receive the internal improvement fund to which said county is entitled.

A bill to make good the probate and registration of certain titles to lands lying between Henderson's and Walker's lines, in Claiborne, Hawkins and Sullivan counties; a bill to amend the second section of an act, entitled an act to amend the stray laws of this State; a bill to legalize the appointment of the commissioners of the town of Livingston; a bill toauthorise a nolle prosequi to be entered in certain cases; a bill to revive an act to incorporate the Gallatin turnpike company; a bill to prevent the circulation, in this State, of bank notes, or any instrument which circulates as paper currency, of any corporation, company or person, under the denomination of five dollars; a bill to authorise the sale of a part of the public square in the town of Montgomery, in Morgan county; a bill to amend an act entitled an act to enable the citizens of Monroe county to erect a court house in the town of Madisonville, in said county; a bill to amend an act passed the 11th day of October, 1832, incorporating the town of McMinnville; a bill to authorise the registration of grants, emanating from the State of Kentucky, for land lying between Wilkin's line and Matthews' line, as provided for in the compact of 1820, between the two States; and a bill to incorporate the inhabitants of the town of Farmington, in the county of Bedford.

All of which were severally read a first time and passed.

Mr. Gordon returned with several amendments, a bill to provide for laying off the several counties in this State, into districts of convenient size, within which justices of the peace and constables shall be elected.

The said amendments were received, and the bill undergoing sundry other amendments, was read a second time and passed.

And then the Senate adjourned.

SATURDAY, NOVEMBER 21st, 1835.

Mr. Childress presented the petition of Eli A. Seay, a citizen of Williamson county, praying to have refunded to him, a tax improperly collected from him. Which was referred, on motion of Mr. Childress, to the committee on claims.

Mr. Craighead, from the committee on the judiciary, to whom was referred a bill to increase the jurisdiction of justices of the peace—reported that the committee had had the same under consideration, and had instructed him to report the provisions thereof unreasonable, and to recommend its rejection.

The said bill and report were, on motion of Mr. Craighead, ordered to the table.

A bill to provide for laying off the several counties in this State into districts of convenient size, within which justices of the peace and constables shall be elected—was taken up and read.

Mr. Cahal moved to strike from the 6th section, that part thereof providing that the commissioners shall not be permitted to employ surveyors in laying off the districts. And the sense of the Senate being thereon had, the said motion was rejected.

Mr. Graves thereupon offered the following provision as an amendment to the second section of said bill, to wit:

Provided, That if the said commissioners should find that it would better suit the convenience of a majority of the people of said county, they are hereby authorised to adopt the bounds of the captains' companies for said districts: Provided, that in so doing, it will not increase nor diminish the same more than three in number, nor more than twenty-five in any one county.—And the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Craighead thereupon moved to strike from said bill, all that part thereof, making the payment of the commissioners a county charge, for the purpose of inserting a provision, making the payment of said commissioners a State charge. Which motion also failed.

The said bill was thereupon put upon its passage, and determined in the affirmative—ayes 20, noes 4.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead,

Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Love, Moore, Morford, Motley, Reagan, Robertson, Totten and Trousdale—20.

The negative voters are,

Mr. Hynds, McGaughey, Rogers, and Vernon—4.

And so said bill passed its third reading, and was ordered to be transmitted.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The Speaker of the House of Representatives did this day sign an enrolled act, entitled an act to incorporate La Fayette male and female academies in the north west corner of Hardeman county. And then he withdrew.

Whereupon the Speaker of the Senate signed the said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

Mr. Craighead asked and obtained leave to withdraw for amendment, a bill to authorise John Kelley, John Rice and Pleasant H. Butler, to open and keep up a turnpike road.

Mr. Totten introduced a bill to appoint additional commissioners to Robert Jetton's toll-bridge and turnpike, across Sandy river and bottom—and

Mr. Craighead, a bill to authorise sheriffs to make deeds in certain cases.

Both of which were severally read a first time and passed.

A bill to incorporate the Winchester female academy, being read—Mr. Craighead moved to amend the said bill, by inserting the words, "and for no other use or purposes whatever," after the word "Academy," in the 15th line of the first section.

Said amendment was accepted, the bill read as amended a second time, and passed.

A bill to incorporate the Edmonson female academy, in the county of Warren, was read a third time, passed and ordered to be transmitted.

A bill to establish the dividing line between the counties of Rhea and McMinn—and a bill to legalize the appointment of the commissioners of the town of Livingston—were severally read a second time and passed.

A bill to authorize sheriffs to convey persons arrested on a criminal charge in one county, to the prison of another for safe keeping—was read a third time. And the question, Shall the bill pass? being had, it was determined in the affirmative—ayes 22.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Reagan, Robertson, Rogers, Totten and Vernon—22. And so said bill passed its third reading, and was ordered to be transmitted.

Mr. Gray asked and obtained leave to withdraw for amendment, a bill to authorise the board of common school commissioners of Hardeman county to receive the internal improvement money to which said county is entitled.

A bill to authorise a nolle prose qui to be entered in certain cases—was referred, on motion of Mr. Childress, to the committee on the judiciary.

And then the Senate adjourned.

MONDAY, NOVEMBER 23d, 1835.

Mr. Hynds presented the petition of the officers of the 6th regiment of Tennessee Militia—praying the time of holding their regimental musters to be altered. Which was referred to the committee on military affairs.

Mr. Armstrong presented the petition of James Kirby, praying a change of his name to that of James Stewart. Which was referred to the committee on propositions and grievances.

Mr. Ledbetter from the committee on education and common schools, to whom was referred, a bill concerning the rents and profits of school land, reported, that the committee have had the same under consideration, had instructed him to report an amendment thereto, and to recommend its passage.

Said bill and report were, on motion of Mr. Ledbetter, ordered to the table.

On motion of Mr. Childress, *Ordered*, that Mr. Johnson be added to the committee on banks.

Mr. Gordon introduced, a bill to incourage the manufacture of iron South and West of the Congressional reservation line. Which was read a first time and passed.

A bill from the House of Representatives to re-organize the county courts in this State, was read a first time and passed.

Mr. Hynds moved an order to print fifty copies thereof, for the use of the Senate.

On motion of Mr. Gordon the said bill and motion were ordered to the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The speaker of the House of Representatives did this day sign an enrolled bill entitled, an act to amend an act, entitled an act to appoint additional commissioners for the town of Perryville, in the county of Perry, passed the 16th October, 1824. And

An act to amend an act, entitled an act to establish a board of internal improvement for the county of Giles, passed the 19th December, 1831.

And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled acts and ordered them to be deposited in the office of the Secretary of State.

Mr. Ledbetter submitted the following:

Resolved, by the General Assembly of the State of Tennessee, that the persons hereinafter mentioned, be, and they are hereby appointed commissioners, under an act passed at the present session of the General Assembly, to lay off the several counties in this State, into districts of convenient size

according to the provisions of said act, within which justices of the peace and constables shall be elected, to wit:

For the county of Carter,
For the county of Washington,
For the county of Sullivan,
For the county of Cocke,
For the county of Jefferson,
For the county of Blount,
For the county of Sevier,
For the county of Greene,
For the county of Hawkins,
For the county of Grainger,
For the county of Claiborne,
For the county of Campbell
For the county of Anderson,
For the county of Morgan,
For the county of Knox,
For the county of Roane,
For the county of Monroe,
For the county of McMinn,
For the county of Rhea,
For the county of Bledsoe,
For the county of Marion.
For the county of Hamilton,
For the county of White,
For the county of Overton,
For the county of Fentress,
For the county of Jackson,
For the county of Warren,
For the county of Franklin,
For the county of Lincoln,
For the county of Giles,
For the county of Smith,
For the county of Sumner,
For the county of Bedford,
For the county of Maury,
For the county of Rutherford—Solomon Beasley, Henry Trott, Hugh Robertson and James Read.
For the county of Davidson,
For the county of Williamson,
For the county of Lawrence,
For the county of Wayne,
For the county of Hickman,
For the county of Dickson,
For the county of Stewart,
For the county of Humphreys,
For the county of Robertson,

For the county of Montgomery,
For the county of Wilson,
For the county of Henderson,
For the county of Weakley,
For the county of Obion,
For the county of Carroll,
For the county of Gibson,
For the county of Dyer,
For the county of Madison,
For the county of Haywood,
For the county of Tipton,
For the county of Lauderdale,
For the county of Hardeman,
For the county of Fayette,
For the county of Shelby,

Mr. Powell submitted the following:

Resolved, by the General Assembly of the State of Tennessee, that his Excellency the Governor, be requested to open a correspondence with the Governor of Georgia, upon the subject of constructing a rail road to connect the waters of the Tennessee river with the Coosa in that State, and request him to lay the subject before the Legislature of said state.

A bill from the House of Representatives to amend an act entitled an act to incorporate the town of Paris in the county of Henry, was read a first time and past.

Mr. Totten returned, a bill to establish a supreme court in pursuance of the second section, article 6th of the constitution of the State of Tennessee.

Mr. Cahal moved a reconsideration of the vote of Friday last, striking from said bill the words, one term, and inserting the words, two terms, and the question thereon being had, the said motion was rejected, ayes—11, noes 11.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Hynds,

The affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Hynds, Johnson, Ledbetter, Love, Moore and Totten—11.

The negative voters, are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Henderson, McGaughey, Powell, Reagan, Robertson, Rogers and Vernon—11.

Mr. Robertson moved to refer the said bill to the committee on the judiciary.

Mr. Cahal moved to lay the said bill on the table, which last motion having precedence, the question was thereon had and determined in the affirmative—ayes—14, noes 8.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Reagan,

The affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead,

Gordon, Gray, Henderson, Hynds, Johnson, Love, Rogers and Totten—14.

The negative voters are,

Mr. Graves, Ledbetter, McGaughey, Powell, Reagan, Robertson and Vernon—8.

Received from the House of Representatives, a bill to punish overseers of public roads or other persons, who shall set or cause to be set up any false sign or label to mislead travellers. And

A bill to amend the charter of the farmers and merchants bank of Memphis, both of which were severally read a first time and passed.

A bill to incorporate Midsylvania female academy in the county of Rutherford,

A bill to incorporate the inhabitants of the town of Farmington in the county of Bedford, And

A bill authorizing the sale of a part of the public square in the town of Montgomery, in Morgan county, were severally read a second time and passed.

A bill to authorize the registration of grants emanating from the state of Kentucky, for land between Walker's line and Matthew's line as provided for in the compact of 1820, between the two states, was read and referred on motion of Mr. Gordon to the committee on the judiciary.

A bill to prevent the circulation in this state of Bank notes, or any instrument which circulates as paper currency, of any corporation, company or person, under the denomination of five dollars, was taken up and read. Mr. McGaughey moved the indefinite postponement of the said bill.

Mr. Cahal moved to lay it upon the table, which last motion having precedence, the sense of the Senate was thereon had, and decided in the negative.

The question then recurred upon Mr. McGaughey's motion to postpone indefinitely. Which motion prevailed.

A bill to amend an act, entitled an act, to enable the citizens of Monroe county to erect a court house in the town of Madisonville, in said county, was taken up and read. Mr. Gordon moved its indefinite postponement.

Mr. Vernon moved to lay the said bill on the table, which having precedence, the question was thereon had and determined in the affirmative.

Mr. Hynds asked and obtained leave to withdraw his motion to print fifty copies of the bill to re-organize the county courts of this state.

Mr. Powell thereupon moved to print thirty copies of said bill for the use of the Senate. And the sense of the Senate being had thereon, the said motion was rejected.

Mr. Reagan introduced a bill for the relief of Allen D. Gentry, of Monroe county. Which was read a first time, passed, and referred to the committee on the judiciary.

A bill to authorise sheriffs to make deeds in certain cases, was referred on motion of Mr. Gray, to the committee on the judiciary.

Mr. Moore asked and obtained leave to withdraw for amendment, a bill to incorporate a company to open a turnpike road from Shelbyville via Fayetteville, to the Alabama line.

A bill to appoint additional commissioners to Robert Jetton's toll bridge

and turnpike road across Sandy river and bottom—was read a second time and passed.

Mr. Johnson submitted the following:

Resolved, That the editors of the National Banner be directed to furnish the Senate with an account of the expense of printing for the Senate up to this time, under the contract made with them by the committee; and also to specify the amount charged for the printing of the opinions of Judges Catron, Green, and Peck, in the case of the State of Tennessee vs. James Foreman.

And the rule being suspended, said resolution was adopted.

The bill concerning the rents and profits of school land, together with Mr. Ledbetter's report thereon, were on motion of Mr. Moore, taken up and read.

The said report was concurred with, the bill read as amended a second time and passed.

And then the Senate adjourned.

TUESDAY, NOVEMBER 24th, 1835.

Mr. Graves presented a communication from Samuel Martin, of Knox county, on the subject of rail roads; which was read, and on his motion, ordered to be transmitted to the House of Representatives.

Mr. Vernon presented the petition of sundry citizens of Rhea county, on the subject of a new county; which was referred on his motion, to the committee on new counties and county lines.

A bill to amend an act, entitled an act to incorporate the town of Paris, in the county of Henry, was read a second time and passed.

A bill to re-organise the county courts in this State, was taken up and read. Mr. Cahal moved to lay the said bill on the table, and thirty copies thereof be printed for the use of the Senate. Which said motion prevailed.

A bill to establish a supreme court, in pursuance of the second section, article 6th of the constitution of the State of Tennessee, was taken up, read, and referred, on motion of Mr. Speaker Webster (then on the floor), to the committee on the judiciary.

The bill to increase the jurisdiction of justices of the peace, together with the report of the committee on the judiciary thereon, was taken up and read.

The said report being unfavorable to the provisions of said bill, was concurred with—ayes 13, noes 10.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Hynds,

The affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Hynds, Johnson, Moore, Rogers, Totten and Trousdale—13.

The negative voters are,

Mr. Armstrong, Graves, Gray, Ledbetter, Love, McGaughey, Powell, Reagan, Robertson and Vernon—10,

And so said bill was rejected.

Mr. Rogers asked and obtained leave to withdraw for amendment, a bill to

make good the probate and registration of certain titles to land, lying between Henderson's and Walker's lines, in Claiborne, Hawkins and Sullivan counties.

A bill concerning the rents and profits of school lands, was taken up, read and amended on motion of Mr. Cahal, by striking therefrom the preamble thereto, and also the word "therefore," in the first line of the first section, and also the word "aforesaid," in the 7th line of the said first section; and by inserting the words "chapter 85," after the figures "1825;" and also the words "chapter 15, section 10," after the figures "1831," in the said 7th line of the first section.

On motion of Mr. Gray, said bill was ordered to the table.

A bill to appoint additional commissioners to Robert Jetton's toll-bridge and turnpike road, across Sandy river and bottom, was read a third time, passed and ordered to be transmitted.

A bill to amend the charter of the Farmer's and Merchant's Bank of Memphis, was read a second time and passed.

Mr. McGaughey submitted the following:

Resolved, That the judiciary committee be instructed to take into consideration the propriety and expediency of amending the road laws of the State—and that they report by bill or otherwise.

On motion of Mr. Childress, the Senate resolved themselves into committee of the whole, Mr. McGaughey in the chair, on the bill to establish separate chancery courts—and after some time spent in the discussion thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 25th, 1835.

Mr. Moore, from the committee on privileges and elections, reported that the committee had instructed him to submit the following resolution:

Resolved, That the committee on privileges and elections be instructed to provide in all the bills making provisions for elections, hereafter to be held in the State, for a third clerk to be qualified, whose duty it shall be to number the tickets for the purpose of purging the polls when it may be necessary.

The said resolution was ordered to the table.

Mr. Craighead from the committee on the judiciary, to whom was referred a bill prescribing the duties of justices of the peace on executions in certain cases—and a bill for the relief of Allen D. Gentry, of Monroe county, reported that the committee have had the same under consideration, think the provisions of the said bills unreasonable, and had instructed him to recommend their rejection.

The said bills and reports were on motion of Mr. Reagan, ordered to the table.

Mr. Craighead from the same, to whom was referred a bill to authorise a nolle prose qui to be entered in certain cases—and a bill to authorise sheriffs to make deeds in certain cases, reported that the committee have had the

same under consideration, think the provisions of said bills reasonable, and had instructed him to recommend their passage.

The said bills and report were on motion of Mr. Trousdale, ordered to the table.

Mr. Craighead from the same, to whom was referred a bill to establish a supreme court in pursuance of the 2d section, article 6th of the constitution of the State of Teneessee—reported that the committee have had the same under consideration, and had instructed him to report the following amendment thereto, to wit:

Strike out the words "two terms," and insert in lieu thereof the words "one term;" strike out the word "deliver," and the word "delivered" in the 7th line of the 12th section, and insert in lieu the words "convey" and "conveyed." Amend the 8th section by attaching the county of Wayne and East Humphreys to the middle division, and attaching the counties of Hardin, Perry, and West Humphreys to the western division— and with the amendments, to recemmend the passage of the bill.

Mr. Rogers moved to lay the said bill and report upon the table. Which motion failed.

Mr. Gray thereupon moved a division of said report, so as to take the sense of the Senate upon a concurrence with that part thereof, proposing to strike out the words "two terms," and inserting the words "one term." Which motion prevailing, the question was had thereon, and determined in the negative —ayes 12, noes 12.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Vernon, the affirmative voters are,

Mr. Brown, Childress, Cahal, Craighead, Gordon, Hynds, Johnson, Ledbetter, Love, Moore, Totten, and Trousdale—12.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Henderson, McGaughey, Motley, Powell, Reagan, Robertson, Rogers and Vernon—12.

And so said part of said report was non-concurred with. The remainder of said report was concurred with; the bill read as amended a second time, and passed.

Mr. Hynds from the committee on internal improvement, to whom was referred a bill concerning the navigation of the Caney fork of Cumberland river —and a bill to authorise the commissioners of internal improvement of Henry county, to contract for the building a bridge across main Sandy river, at or near Bond's ferry, where the road leading from Paris to Charlotte, by way of Lagrange furnace, in Stewart county, crosses the same; reported, that the committee have had the same under consideration, think the provisions thereof reasonable, and had instructed him to recommend their passage.

On motion of Mr. Love, the said bills and reports were ordered to the table.

Mr. Hynds from the same, to whom was referred the petition of sundry citizens of Carter and Washington counties, for an appropriation of money, to make a road from Jonesboro' to Barnsville, reported, that the committee have had the same under consideration, think the prayer of the petitioners unreasonable, and ought not to be granted.

The said report was concurred with.

Mr. Hynds, from the same, reported favorable to the provisions of the bill to authorise the county courts to appoint commissioners of turnpike roads—and also to the petition of James B. Reynolds.

Said report was concurred with, the bill read a second time and passed.

Mr. Gordon, from the committee on internal improvement, to whom was referred the petition of sundry citizens of Cocke county, praying the passage of a law, granting a charter for a turnpike road, reported, that the committee have had the same under consideration, think the prayer of the petitioners unreasonable, and ought not to be granted.

Said report was concurred with.

A bill to amend an act entitled an act to incorporate the town of Paris, in the county of Henry, was read a third time and passed.

On motion of Mr. Trousdale, *Ordered*, That the committee of the whole be discharged from the further consideration of the bill to establish separate chancery courts; and that the said bill be re-committed to the committee on the judiciary.

Mr. Rogers returned without amendment, a bill to make good the probate and registration of certain titles to lands lying between Henderson's and Walker's line, in Claiborne, Hawkins and Sullivan counties,

Was read a third and last time in both Houses, and the question, Shall the bill pass? being had, it was determined in the affirmative—ayes 18, noes 2.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Motley, Reagan, Robertson, Rogers and Totten—18.

The negative voters are, Mr. Trousdale and Mr. Vernon—2.

And so said bill passed its third reading.

A bill to amend the charter of the Planter's and Merchant's Bank of Memphis, was read a third time and passed.

Mr. Totten introduced a bill to incorporate the inhabitants of the town of Trenton, in the county of Gibson.

Mr. Johnson, a bill to amend an act, entitled an act to authorise Joseph P. Thomas and James B. Reynolds, to build a bridge across Red river in Montgomery county, passed the 8th day of October, 1832. And

Mr. Reagan, a bill to provide for the recovery of debts due upon judgments lost by fire or other casualty.

All of which were severally read a first time and passed.

Mr. Gray returned without amendment, a bill to authorise the board of common school commissioners of Hardeman county to receive the internal improvement money to which said county is entitled.

Which was read a second time and passed.

Mr. Gray, in accordance with notice given, moved to amend the 36th rule for the government of the Senate, so as to read, "that no amendment shall be received to a bill upon any reading foreign to its subject matter.

Which motion prevailed.

The chair presented a communication from W. Hasell Hunt, Esq., con-

tractor for the job printing, made in pursuance of a resolution adopted in Senate on the 23d instant.

Which was read, and on motion of Mr. Moore, ordered to the table.

A bill to incorporate the Midsylvania female academy, in the county of Rutherford, was read a third time and passed.

A bill concerning the rents and profits of school lands, was taken up on its last reading, and, being read, Mr. Gray offered the following amendment thereto, to wit:

Be it further enacted, That in no case shall a recovery be had under the provisions of this act, which shall exceed the amount said land was actually rented for by the State, or her agent; and after deducting the value of all improvements made upon the same, and all sums expended by the agent of the State in the discharge of the duties of his appointment, judgment shall be rendered for such balance as remains due, after making the deduction aforesaid, with interest thereon.

And the question thereon being had, it was determined in the affirmative —ayes 13, noes 11.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Gray, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Johnson, Love, Motley, Robertson, and Rogers—13.

The negative voters are,

Mr. Speaker Webster, Craighead, Hynds, Ledbetter, Moore, Morford, Powell, Reagan, Totten, Trousdale and Vernon—11.

And so said amendment was received.

The question then recurred upon the passage of the bill, and being thereon had, it was determined in the affirmative—ayes 17, noes 6.

The ayes and noes being required by the Constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Graves, Gray, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers and Totten—18.

The negative voters are,

Mr. Craighead, Gordon, Henderson, Hynds, Trousdale and Vernon—6.

And so said bill passed its third reading.

And then the Senate adjourned.

THURSDAY, NOVEMBER 26th, 1835.

Mr. Childress presented the petition of sundry citizens of Williamson county, praying the passage of a law granting a charter for a Bank, to be located in Franklin. Which was read, and referred to the committee on banks.

Mr. Speaker Webster presented the counter petition of sundry citizens of county, in relation to a new county. Which was read and referred to the committee on new counties and county lines.

Mr. Childress submitted the following:

Whereas, it is the true principle of a Government based upon republican principles, formed for the happiness and welfare of the people to adopt that principle of economy best calculated to carry into effect such measures calling in question its financial concerns, as the interest of the people require: And whereas, the public printing for the State of Tennessee is one of those subjects, and forms a very considerable item in the disbursement of the revenue of the State: And whereas, it is believed there is a remedy by which some eight or ten thousand dollars annually, (or every session of the General Assembly) might be saved to the State, by the purchase of a printing establishment, of such materials as are necessary, and the employment of some discreet and suitable person to carry on and superintend the same for the State: Therefore,

Resolved, by the General Assembly of the State of Tennessee, That the committee of ways and means be instructed to give the subject an examination, inquiring into the propriety and practicability of the same; and that they report by bill or otherwise.

Mr. Craighead submitted the following:

Resolved, That the judiciary committee be instructed to report a bill, giving to the supreme court at Knoxville, Nashville and Jackson, jurisdiction of all writs of error in criminal cases, where the prisoner is confined in jail, or the penitentiary, where the conviction has taken place in the circuit courts of any of the counties of the State, upon the writ or appeal being prayed from the supreme court at either of its places of session. And the said supreme courts shall have power to examine said records, and to pronounce judgment thereon, without requiring the prisoner to be present, and in case of reversal of the judgment, the court shall have power to direct the sheriff of the county where the prisoner is confined, to admit him to bail in bailable cases, and direct the amount in which he shall be bound, with security, to appear for trial before the proper circuit court.

Mr. McGaughey the following:

Resolved, That the select committee appointed for the purpose of reporting a bill, prescribing the mode of choosing electors to vote for President and Vice President of the United States, be instructed to report a bill establishing the district mode of choosing said electors. And

Mr. Trousdale the following:

Resolved, That the committee on the judiciary be and they are hereby instructed to report a bill fixing the rate of interest upon money in the State of Tennessee at six per cent per annum.

Mr. Powell introduced a bill making an appropriation for a survey of so much of the central rail road as passes thro' the State. Which was read a first time and passed—which was, on motion of Mr. Powell, referred to the committee on internal improvements.

A bill to amend an act, entitled an act to authorise Joseph P. Thomas and James B. Reynolds to build a bridge across Red river, in Montgomery county, passed the 8th day of October, 1832, was taken up, read a second time, and passed.

Mr. McGaughey introduced a bill pointing out the mode of electing ma-

jors general, brigadiers general, and other militia officers. Which was read a first time, passed, and on his motion, it was referred to the committee on military affairs.

On motion of Mr. Trousdale, *Ordered*, That Mr. McGaughey be added to the committee on military affairs; and on Mr. Rogers' motion, Mr. Graves was added to the same committee.

On motion of Mr. Moore, the resolution heretofore submitted by him as chairman of the committee on privileges and elections, upon the subject of having a third clerk in all elections, to number the tickets of voters—was taken up and read.

Mr. Graves called for the ayes and noes upon its adoption, seconded by Mr Moore. The question thereon being had,

The affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Graves, Gray, Henderson, Hynds, Powell, Robertson, and Vernon—11.

The negative voters are,

Mr. Childress, Craighead, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Reagan, Rogers and Trousdale—12.

And so said resolution was adopted.

A bill from the House of Representatives, to authorise Ephraim Burket and Burwell Beard to lay off a town on their own lands, in Humpreys county, was taken up, read a first time and passed.

A bill to authorise the internal improvement commissioners of Henry county to contract for building a bridge across main Sandy river, at or near Bond's ferry, where the road leading from Paris to Charlotte, by way of Lagrange furnace, in Stewart county, crosses the same—was taken up, read a second time and passed.

A bill to authorise the board of common school commissioners of Hardeman county to receive the internal improvement money to which said county is entitled—was taken up, read a third time and passed.

A bill to incorporate the inhabitants of the town of Trenton, in the county of Gibson, was taken up, read a second time and passed.

A bill to authorise the county courts to appoint commissioners to turnpike roads, was taken up and read.

Mr. Gray offered the following amendment in lieu of the second section of the bill, viz:

Sec. 2d. Be it enacted, That each commissioner appointed in pursuance of the first section of this act, shall, before they enter upon the duties of their appointment, take an oath before some justice of the peace, well and truly to perform the duties of their appointment according to law.

On motion of Mr. Craighead, the bill and proposed amendment was referred to the judiciary committee.

A bill to repeal an act, passed by the General Assembly of the State of Tennessee, on the 15th December, 1831, entitled an act to tax the retailers of spirituous liquors, and to appropriate the monies arising therefrom to the use of common schools—was taken up, and on Mr. Trousdale's motion, it was referred to the committee on the judiciary.

A bill to legalize the appointment of the commissioners of the town of Liv-

ingston; a bill to authorise the sale of a part of the public square in the town of Montgomery, in Morgan county; and a bill to incorporate the Winchester female academy.

All of which were severally read a third time and passed.

A bill to revive an act to incorporate the Gallatin turnpike company; a bill to punish overseers of public roads, or other persons who shall set up any false sign or labels to mislead travellers; and a bill to amend an act passed the 11th day of October, 1832, incorporating the town of McMinnville.

All of which were severally read a second time and passed.

Mr. Speaker Webster presented the petition of sundry citizens of the county of - which was read, and on his motion referred to the committee on new counties and county lines.

On motion of Mr. Powell, the resolution heretofore submitted by him requesting that the Governor of this State be directed to open a correspondence with the Governor of Georgia, relative to the construction of a rail road, to connect the waters of the Tennessee river, in this State, with those of the Coosa river, in Georgia, was taken up.

On motion of Mr. Ledbetter, said resolution was referred to the committee on internal improvement.

Mr. Craighead introduced a bill, with a memorial, to provide for the security of certain public records—which was, on motion of Mr. Childress, referred to the committee on claims.

A message from the House of Representatives by Mr. Mitchell their clerk:

Mr. Speaker: The speaker of the House of Representatives did this day sign an enrolled bill, entitled an act declaring Mulberry creek, in Lincoln county, navigable. And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled act and ordered it to be deposited in the office of the Secretary of State.

A bill to establish a supreme court, in pursuance of the second section, article 6th, of the constitution of the State of Tennessee, was taken up and read.

Mr. Hendersom moved to amend said bill by attaching the county of Lauderdale to the western division. Which motion prevailed.

The said bill was further amended on motion of Mr. Cahal, by striking therefrom the words East and West Humphreys.

Mr. Graves moved further to amend the said bill, by adding the following thereto, to wit:

The courts shall be held at Nashville on the first Mondays of January and July; at Knoxville on the first Mondays of March and September; at Jackson on the first Mondays of May and November.

On motion of Mr. Speaker Webster (then on the floor), the said bill and amendment were ordered to the table, and made the order of the day for Monday next.

A bill to incorporate a company to open a turnpike road from Shelbyville, via Fayetteville, to the Alabama line—was read, and amended on motion of Mr. Webster, by inserting the words "two of whom shall reside in Bedford, and two in Lincoln counties," after the word "commissioners," in the second

line of the third section; and by adding the following to the fourth section, to wit:—And should said four commissioners be equally divided in their votes, touching their duties herein specified, they shall choose a fifth person for the time being, whose vote shall determine the same.

The said bill was thereupon read a third time, passed, and ordered to be transmitted.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The House of Representatives have taken up on a third and last reading in both Houses, a bill to establish the county of Lauderdale, and propose sundry amendments thereto, herewith transmitted, and ask the concurrence of the Senate. And then he withdrew.

Whereupon the several amendments were read and non-concurred with, except the following, which was concurred with, to wit:—In honor of, and to perpetuate the memory of Col. James Lauderdale, who fell at the battle of New Orleans, on the night of the 23d December, 1814.

And then the Senate adjourned.

FRIDAY, NOVEMBER 27th, 1835.

Mr. Reagan presented the memorial of Nat. Smith, accompanied by a bill to amend an act of the General Assembly, passed at Nashville, on the 19th day of November, 1833, entitled an act to authorise A. M. Coffee to open a turnpike road; which were referred to the committee on internal improvement.

Mr. Craighead, from the committee on the judiciary, to whom was referred a bill to impose a tax on shows, circus companies, and theatrical performances, reported that the committee have had the same under consideration, and think the provisions thereof reasonable, and had instructed him to recommend its passage.

On motion of Mr. Hynds, the said bill and report were ordered to the table.

Mr. Vernon, from the committee on new counties and county lines, to whom was referred, a bill to establish the county of reported, that the committee have had the same under consideration, had instructed him to report the following amendments thereto, and with them to recommend the passage of the bill, to wit:—Strike out after the word "east" in the 13th line of the first section, to the word "north," in the nineteenth line of said section; and insert the following in lieu, to wit:—"Six miles and sixty-four poles, thence north nine degrees, east nine and one half miles, thence north forty-six and one half degrees, west three miles and two hundred and seventy-two poles." Fill the blank in the third line of said section with the words "in honor of Jonathan Webster, speaker of the Senate."

The said bill and report were on motion of Mr. Morford, ordered to the table.

Mr. Craighead, from the committee of enrollments, reported as correctly

enrolled, a bill to open and extend the streets of the town of Gallatin, in Sumner county; which was signed by the Speaker, and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The speaker of the House of Representatives did this day sign an enrolled bill, entitled an act to incorporate the Midsylvania female academy, in the county of Rutherford. And then he withdrew.

Whereupon the Speaker of the Senate signed the said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

On motion of Mr. Moore, the resolution submitted by Mr. McGaughey on yesterday, directing the select committee appointed to report a bill prescribing the mode of choosing electors to vote for President and Vice President, to provide in said bill that the district mode of choosing electors shall be established—was taken up and read, and after some discussion thereon, the said resolution was on motion of Mr. Craighead, ordered to the table.

Mr. Morford, as one of the minority of the committee on new counties and county lines, made the following report, to wit:

The undersigned, one of the committee on new counties and county lines, respectfully submits the following report, as respects the establishment of the county of

The undersigned had introduced a bill for the purpose of establishing the county of Jones, to be taken from the southern part of Warren, and the northern part of Franklin counties. The territory contemplated to be taken, was entirely taken from the counties of Franklin and Warren. From none of the adjoining counties was a single acre required. The citizens included within the territory composing the county of Jones, long before the ratification of the new constitution, had applied to the Legislature for relief. They believed, that even under the old constitution, they had the territory (six hundred and twenty-five square miles) and the requisite number of voters. At the session of 1831, they applied to the Legislature for relief; and they would then have obtained relief, and they would then have obtained their request, but for a difference of opinion as to the boundaries of the new county, which existed not only among the citizens of said county, but also among their representatives up to this time. The citizens residing in the eastern part of Bedford had made no application for relief; they never then dreamed that they could get enough territory from the counties of Franklin and Warren for the purpose of establishing a new county. They well knew that the unreasonableness and injustice of the attempt would recoil on themselves. They well knew that the Legislature would refuse to extend relief to them, when, by so doing, they inflicted an irreparable injury upon a large and respectable portion of the citizens of Warren and Franklin counties, who had at least the merit of having been the first applicants for relief. In this state of things the convention met. The struggles and strifes which arose in that body upon the subject of new counties, is familiar to all. It is only necessary to recur to that part of the constitution which refers to the county of Bedford—the clause referred to is as follows:—"And there shall not be laid off more than one new county on the west, and one on the east, adjoining

the county of Bedford; and no new county line shall run nearer than eleven and a half miles of the seat of justice of said county." And immediately afterwards, the following clause:—"The line of a new countymay run within eleven miles of the seat of justice of Franklin county."

The first clause above refered to, was introduced by a delegate from the county of Bedford, with an eye single to the division of that county. The latter clause was introduced by a delegate from the county of Franklin, for the purpose of obtaining sufficient territory to establish a new county exclusively from the counties of Franklin and Warren. It is insisted that the citizens residing in the eastern extremity of Bedford have by virtue of the first above recited clause, a constitutional right to a new county. No matter how much territory may be taken from the adjoining counties, in order to give them the requisite number of square miles, viz: (350.) No argument can be more falacious than this. It would be a sound and incontrovertible argument, provided there was territory sufficient of itself on the Eastern part of Bedford, to make a new county without encroaching on the territories of the adjoining counties. With the same propriety might it be contended that the advocates for a new county, to be taken exclusively from the counties of Franklin and Warren have the constitutional right to a new county because of the latter clause above referred to, saying that the line of a new county may run within eleven miles of the seat of justice of Franklin county. But upon a careful examination of both of the above clauses, every candid inquirer after truth will arrive at the conclusion that the convention have not, nor did not intend to give to either of the contending parties a constitutional right to a new county. But that they intended and have left the whole matter to the action of the Legislature.

The subject has been before the committee on new counties and county lines. A majority of that Committee have reported in favor of establishing the county of Webster and against the county of Jones.

The undersigned being one of that committee, and differing in his opinion with a majority thereof, begs leave to *report*, and ask the favourable consideration of the Senate to the respective claims of both applications. It is admitted that no matter which of the new conties is established, an irreparable injury is done to the citizens residing within the boundaries of the rejected new county. Establish the county of Webster, and a large and respectable portion of the citizens of the counties of Franklin and Warren residing on the waters of Hickory creek and Elk river, and south and east of those streams are beyond the pale of relief. They have struggled for years, and they have fondly hoped that the late convention had provided a suitable remedy for them. But in this they are mistaken. Establish the county of Jones and the Eastern part of Bedford is in the same situation. This being the situation of the two applicants, conflicting as they do, to which shall relief be extended? With due deference to the report of a majority of the committee, the undersigned would respectfully lay before the Senate, the reasons why in his opinion, the county of Jones should be established. First, relief would be extended to the largest number of qualified voters. Second, they were the first applicants for relief long before the county of Webster

was thought of. Third, the territory contemplated to be taken is exclusively taken from the counties of Warren and Franklin.

In conclusion the undersigned would only remark, that if the report of the majority of said committee is concurred in, establishing the county of Webster, then the division of our state into counties and districts, with all their sub-divisions are worse than useless. The framers of our constitution no doubt thought that altho' when elected, the representatives and senators, would legislate for the whole state, yet that they still would guard the immediate interests of their constituents. But here is a case in which a large extent of territory is wrested from a senatorial district, not only against the will of the senator and representives of that district, but also against the expressed wishes of a large majority of their constituents. The undersigned would therefore report and recommend the passage of the bill establishing the county of Jones.

Respectfully,
(signed,) J. F. MORFORD.

Mr. Graves introduced, a bill to provide for the election of a county surveyor and entry taker in the several counties in this state. Which was read a first time and passed.

On motion of Mr. Morford, the bill to establish the county of and the report of the committee thereon, together with the counter report made by himself, as one of the minority of said committee, were taken up and after some discussion thereon, the same were, on motion of Mr. Totten ordered to the table.

A message from the House of Representatives by Mr. Mitchell their clerk:

Mr. Speaker: the House of Representatives have again taken up the bill to establish the county of Lauderdale, and proposed the appointment of a committee of conference upon the several amendments by them proposed to the said bill, and have appointed Mr. Searcey, Mr. Strother and Mr. Parker to be of said committee on their part, and ask the concurrence of the Senate; and then he withdrew.

Whereupon the said proposition was concurred with, and the speaker appointed Mr. Totten, Henderson and Johnson, to be of said committee on the part of the Senate.

And then the Senate adjourned.

SATURDAY, NOVEMBER 28th, 1835.

Mr. Vernon from the committee on new counties and county lines reported, a bill to establish the county of which was read a first time and passed.

Mr. Johnson from the committee of conference on the bill to establish the county of Lauderdale, reported that the committee had instructed him to re-

port the following amendmendments thereto, (to wit:) insert "east to" in lieu of "to the Okëine Bluff on"

In the 14th and 15th lines of the 1st section, in lieu of the words, "to the Key corner, thence East to the main South fork of the Forked deer river," insert "to a point one mile due north of the two Sycamores known as the Key corner; thence due East to the south fork of the Forked deer river."

Insert the word "Ripley," in lieu of the word "Cannonsville;" in the 5th line of the 13th section; after the word "miles," insert the words "and the line between the counties of Dyer and Lauderdale." Which report was read and concurred with.

The resolution submitted by Mr. Childress on yesterday, directory to the committee on ways and means, in relation to the public printing was read and adopted.

The bill to establish the county of composed in part of the counties of Bedford, Warren and Franklin counties, the report of the committee thereon, together with a counter memorial, on the subject of said new county, presented by Mr. Morford, were taken up and read.

The report of the committee on said bill was concurred with.

The said bill was further amended on motion of Mr. Morford, by adding thereto the following, to wit:

Resolved, That that portion of the counties of Franklin and Warren, included within the bounds of Webster county, shall still be liable to pay to the respective counties from which they may be taken off, their rateable portion of the county debt.

The said bill was further amended on motion of Mr. Webster by adding thereto the following: "and provided, also, that the citizens of the county of Webster, shall be entitled to receive their rateable proportion from the several counties from which they are taken," of the school fund, internal improvement fund, or other public fund, which are now due or may fall due prior to this act going into effect."

The said bill was thereupon read as amended a second time and passed.

Mr. Trousdale asked and obtained leave to wilhdraw for amendment, "a bill to revive an act to incorporate the Gallatin turnpike company.

A bill to incorporate the inhabitants of the town of Trenton in the county of Gibson, was read a third time, passed, and ordered to be transmitted.

A message from the House of Representatives by Mr. Mitchell their clerk:

Mr. Speaker: the House of Representatives non-concur with the resolution directory to the committee on ways and means, on the subject of the public printing.

They concur with the several amendments proposed by the Senate, to the bill concerning the rents and profits of school land, except the following, (with which they non-concur, to wit:

Sec. 4. Be it further enacted, that in no case shall a recovery be had under the provisions of this act, which shall exceed the amount said land was actually rented for by the state or her agent, and after deducting the value of all improvements made upon the same, and all sums expended by the agent of the state, in the discharge of the duties of his appointment, judgment

shall be rendered for such balance as remains due after making the deduction aforesaid with interest thereon.

The House of Representatives concur with the amendment reported by the joint select committee of conference, to the bill to establish the county of Lauderdale.

The bill to re-organize the county courts in this state, was, on motion of Mr. Cahal, ordered up.

Mr. Graves moved that the said bill be read and acted upon, section by section; which motion prevailing, the first section was thereupon read.

Mr. Graves moved to strike therefrom the word "one," for the purpose of inserting the word "three." Which motion failed.

The second section being read, Mr. Trousdale moved to strike therefrom the following: "except to assess a tax, or to appropriate public money, which shall require a majority of all the magistrates of the county to vote in the affirmative; provided, that twelve justices voting in the affirmative shall have power to make appropriations for county purposes, not exceeding ten dollars." And also the word "also" after the word "provided," in the second provision of said bill. And the question thereon being had, it was determined in the negative—ayes 3, noes 19.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Powell, the affirmative voters are,

Mr. Armstrong, Ledbetter,and Trousdale—3.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Graves, Gray, Henderson, Johnson, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—19.

The said section was amended on motion of Mr. Johnson, by adding thereto the words "or one third" after the word "twelve."

The said section was further amended on motion of Mr. Reagan, by striking therefrom the words "voting in the affirmative."

Mr. Gray moved to strike from said section, the first proviso thereto.—Which motion was rejected.

Mr. Ledbetter moved to strike from said section, the words "ten dollars," for the purpose of inserting the words "one hundred dollars."

Mr. Hynds moved a division of said motion, so as to test the Senate upon striking out; which motion prevailing, the question was had upon striking out, and determined in the negative—ayes 10, noes 13.

The ayes and noes being demanded by Mr. Henderson, seconded by Mr. Gray, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Hynds, Ledbetter, Motley, Powell, Rob ertson, Totten and Trousdale—10.

The negative voters are,

Mr. Speaker Webster, Childress, Craighead, Graves, Gray, Henderson, Johnson, Love, McGaughey, Moore, Morford, Reagan, Rogers & Vernon—13.

The third section being read, Mr. Craighead moved to strike therefrom the words "and for the purpose of determining inquisitions of lunacy and idiotcy." Which motion was rejected.

Mr. Graves moved to strike therefrom all that part thereof from the word "accept" to the word "provided," inclusive; which was rejected.

Mr. Trousdale moved to strike from said section the word "equity;" which motion failed.

Mr. Trousdale moved further to amend, by striking from the 5th section, the word "January," and inserting in lieu the word "March."

Mr. Hynds moved a division; which prevailing, the word "January," was stricken therefrom.

Mr. Reagan thereupon moved to fill the blank with the word "April;" which motion was lost.

The question then recurred upon the motion to insert the word "March," and being thereon had, the said motion prevailed.

The sixth section being read, Mr. Gray moved to amend by inserting the words, "of the county voting in the affirmative," after the word "justices;" which motion prevailed.

Mr. Ledbetter then moved to strike from said bill the said sixth section.

And then the Senate adjourned.

MONDAY, NOVEMBER 30th, 1835.

Mr. Moore, from the committee on privileges and elections, reported the following resolution, to wit:

Resolved, That the committee on privileges and elections be instructed to provide, in all the bills making provision for elections hereafter to be held in this State, that each district laid off under the provisions of the 6th article of the constitution, shall constitute a precinct for holding elections; which was read and ordered to the table.

Mr. Johnson, from the committee on claims, to whom was referred the petition of Eli A. Seay—reported, that the committee have had the same under consideration, and had instructed him to report a bill for his benefit, and to recommend its passage.

The said bill was thereupon read a first time and passed.

Mr. Morford submitted the following:

Resolved, That the principal clerk of the Senate be directed to employ some suitable person to transcribe the journal of the Senate, to be furnished as soon as practicable to the public printer.

Mr. Hynds introduced a bill to incorporate the East Tennessee manufacturing company; and

Mr. Reagan a bill for the temporary appointment of overseers of roads—both of which were severally read a first time and passed.

Mr. Trousdale returned with an amendment, (which was received,) a bill to revive an act to incorporate the Gallatin turnpike company. The said bill was read as amended a third time, and passed.

Mr. Craighead, from the committee on enrollments, reported as correctly enrolled, a bill to establish the county of Lauderdale; which was signed by

the speaker of the Senate, and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The speaker of the House of Representatives did this day sign an enrolled bill, entitled an act to make good the probate and registration of certain titles to land lying between Henderson's and Walker's lines, in Claiborne, Hawkins and Sullivan counties; an act to extend the corporation of the town of Murfreesboro', and for other purposes; an act authorising the sale of a part of the public square in the town of Montgomery, in Morgan county; an act to legalize the appointment of the commissioners of the town of Livingston, in Overton county; an act to amend an act entitled an act to incorporate the town of Paris, in the county of Henry; and an act to incorporate the Winchester female academy. And then he withdrew.

Whereupon the speaker signed the said acts, and ordered them to be deposited in the office of the Secretary of State.

The bill to re-organise the county courts of this State, was taken up.

The motion of Mr. Ledbetter on Saturday, to strike from said bill the sixth section thereof, being first in order, the question was thereon had, and determined in the affirmative—ayes 17, noes 7.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Hynds, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Craighead, Gordon, Graves, Gray, Johnson, Ledbetter, Love, Moore, Motley, Reagan, Robertson, Rogers Trousdale and Vernon—17.

The negative voters are,

Mr. Cahal, Childress, Henderson, Hynds, Morford, Powell & Totten—7.

The seventh section of said bill was amended on motion of Mr. Hynds, by striking therefrom the word "shall," and inserting in lieu, the word "may."

Mr. Powell moved further to amend the said section, by striking therefrom the words "devisavit vel non." And the question thereon being had, it was determined in the negative—ayes 6, noes 17.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Hynds, the affirmative voters are,

Mr. Armstrong, Brown, Love, Powell, Robertson and Rogers—6.

The negative voters are,

Mr. Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Moore, Morford, Motley, Reagan, Totten, Trousdale and Vernon—17.

Mr. Graves offered the following proviso, as an amendment to the eighth section, to wit:

Provided, That if there are different rooms in the court house, so that the county courts can be held without interfering with the other courts, they shall be held in the court house. Which amendment was rejected.

Mr. Ledbetter moved to strike from the ninth section of said bill, the words "twenty-five," for the purpose of inserting the words "thirty-seven;" which motion prevailed.

Mr. Robertson moved to strike therefrom the words "freeholders and owners of occupancies;" which motion was rejected.

The said bill was thereupon read as amended a second time—and the question, Shall the bill pass? being had, it was determined in the affirmative —ayes 16, noes 8.

The ayes and noes being demanded by Mr. Rogers, seconded by Mr. Trousdale, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Love, Moore, Morford, Motley, Robertson and Totten—16.

The negative voters are,

Mr. Graves, Hynds, McGaughey, Powell, Reagan, Trousdale & Vernon—8.

And so said bill passed its second reading.

A bill to establish a supreme court in pursuance of the second section, article 6th of the constitution of the State of Tennessee, was, on motion of Mr. Ledbetter, taken up, read and considered section by section.

Mr. Trousdale moved to amend the first section thereof, by adding, after the word "State," in the fifth line of said section, the following:—"But any citizen of the State, coming within the provisions of the constitution, shall be eligible to said office." And the question thereon being had, the said amendment was rejected—ayes 7, noes 17.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Graves, the affirmative voters are,

Mr. Cahal, Childress, Hynds, Ledbetter, Love, Morford and Trousdale—7.

The negative voters are,

Mr. Armstrong, Brown, Craighead, Gordon, Graves, Gray, Henderson, Johnson, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—17.

Mr. Gordon moved a reconsideration of the vote rejecting the amendment of Mr. Trousdale to the first section.

Mr. Love moved a reconsideration of the vote adopting the first section of the bill, which last motion the chair decided had precedence. The question was accordingly had thereon, and determined in the negative—ayes 9, noes 15. The ayes and noes being demanded by Mr. Powell, seconded by Mr. Hynds, the affirmative voters are,

Mr. Speaker Webster, Cahal, Childress, Gordon, Gray, Ledbetter, Love, Morford and Trousdale—9.

The negative voters are,

Mr. Brown, Craighead, Graves, Henderson, Hynds, Johnson, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—15.

Mr. Childress thereupon moved to amend the said third section, by adding thereto, after the word "reside," in the third line thereof, the following:—But said Judges may be elected or taken from any one of said grand divisions as fixed by the constitution of the State." And the question thereon being had, the said amendment was rejected—ayes 10, noes 14.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Henderson, the affirmative voters are,

Mr. Armstrong, Cahal, Childress, Gordon, Gray, Hynds, Ledbetter, Love, Morford, and Trousdale—10.

The negative voters are,

Mr. Brown, Craighead, Graves, Henderson, Johnson, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—14.

The fifth section being read, Mr. Love moved to strike therefrom the words "two sessions," for the purpose of inserting the words "one session." And thereupon the question was had, and determined in the affirmative—ayes 13, noes 12.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Graves, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Totten and Trousdale—13.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Henderson, McGaughey, Motley, Powell, Reagan, Robertson, Rogers and Vernon—12.

Mr. Craighead moved to strike from said section, the word "January," and insert "March next, and ever after on the first Monday in December."

Mr. Hynds moved to strike out "July," and insert "June." Both of which motions were severally put and carried.

Mr. Totten moved to strike out the word "Jackson," and insert the word "Huntingdon." Mr. Armstrong to strike out the word "Nashville," and insert "Sparta." Mr. Gordon to strike out "Nashville," and insert "Centerville." All of which several motions were severally put, in the order in which they were made, and rejected.

The sixth section was further amended on motion of Mr. Cahal, by substituting the word "hold," for the word "attend."

Mr. Ledbetter offered the following amendment to the nineteenth section, to wit:

"All appeals or appeals in the nature of writs of error, which shall be taken to any supreme court while the same is in session, shall be returnable to said court at that term, and shall stand for trial during that term; and it shall be the duty of the court in granting the appeal, to cause the appeal to be allowed, and bond to be taken accordingly." In lieu of which,

Mr. Johnson offered the following, to wit:

"Provided, That the said Judges shall hear and determine all actions of debt at the first term at which the record is filed, unless good cause be shown for a continuance."

Mr. Trousdale moved the indefinite postponement of the foregoing amendments, which was negatived—ayes 8, noes 16.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Graves, the affirmative voters are,

Mr. Brown, Cahal, Gordon, Henderson, Hynds, Love, Totten and Trousdale—8.

The negative voters are,

Mr. Armstrong, Childress, Craighead, Graves, Gray, Johnson, Ledbetter,

McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, and Vernon—16.

And then the Senate adjourned.

TUESDAY, DECEMBER 1st, 1835.

Mr. Powell presented the petition of Julius Dugger, and introduced a bill giving said Dugger the further time of two years to build a toll-bridge across Watauga river. Which was read a first time and passed.

Mr. Johnson presented a counter memorial of sundry citizens of Montgomery, in relation to Robert Cole, and other free persons of color; which was read, and referred on his motion, to the committee on propositions and grievances.

Mr. Love presented the memorial of Francis McConnell; which was referred to the committee on the judiciary.

On motion of Mr. Trousdale, the Senate resumed the consideration of the bill to establish a supreme court, in pursuance of the second section, article 6th of the constitution of the State of Tennessee.

Mr. Hynds offered the following in lieu of the amendments offered on yesterday, by Mr. Ledbetter and Mr. Johnson, to wit:—An appeal, appeal in the nature of writ of error, or writ of error, may be prosecuted from any final judgment or decree, rendered in an inferior court, during the term of the supreme court; provided the record in said cause is filed in the supreme court, and the opposite party or his counsel be notified five days before said cause is taken up for hearing in the supreme court, and the return of a sheriff upon a copy of said notice shall be sufficient evidence of the service; and all appeals, and appeals in the nature of a writ of error, taken from the final judgment or decree of an inferior court at any time before the sitting of the supreme court, shall stand for hearing at the first term, and notice to the opposite party shall not be required; which amendment was accepted by Messrs. Ledbetter and Johnson, and adopted by the Senate, as a part of the nineteenth section of the bill.

Mr. Robertson moved further to amend said bill, by striking therefrom the sum of "eighteen hundred dollars," for the purpose of inserting a larger sum, as the compensation of the judges. And the question thereon being had, said motion was rejected—ayes 3, noes 20.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Love, the affirmative voters are,

Mr. Henderson, Robertson and Trousdale—3.

The negative voters are,

Mr. Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Rogers, Totten and Vernon—20.

Mr. Hynds offered the following proviso, as an amendment to the sixth section, to wit:—Provided, that said court may sit upon its own adjournments, and hold said court at any time it may see proper, for the purpose of hearing

and deciding the unfinished business remaining upon the docket at any term thereof; which amendment was received.

Mr. Cahal offered the following as an amendment to the twentieth section of said bill, to wit:—That the judges of the said supreme court shall each receive the sum of eighteen hundred dollars per annum, till the year 1840; and after that time, and till the year 1845, the said judges shall each receive the sum of two thousand dollars; and after that time, said judges shall each receive the sum of two thousand five hundred dollars, as a compensation for their services, to be paid quarterly, out of any monies in the treasury, not otherwise appropriated.

And the question was had upon the adoption of said amendment, and determined in the negative—ayes 5, noes 18.

The ayes and noes being demanded by Mr. Armstrong, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Brown, Cahal, Henderson, Robertson and Totten—5.

The negative voters are,

Mr. Armstrong, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Rogers, Trousdale and Vernon—18.

Mr. Childress moved to strike from the fifth section of said bill, the word "Nashville," for the purpose of inserting the word "Franklin," as the place of holding the supreme court for the middle division.

And thereupon the question was had, and determined in the negative—ayes 8, noes 16.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Childress, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Gordon, Ledbetter, McGaughey, and Morford—8.

The negative voters are,

Mr. Craighead, Graves, Gray, Henderson, Hynds, Johnson, Love, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—16.

Mr. Ledbetter thereupon moved to strike out the word "Nashville," for the purpose of inserting the word "Murfreesboro'." And the question thereon being had, it was determined in the negative—ayes 8, noes 16.

The affirmative voters are,

Mr. Armstrong, Cahal, Ledbetter, Love, McGaughey, Moore, Morford & Powell—8.

The negative voters are,

Mr. Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Motley, Reagan, Robertson, Rogers, Totten, Trousdale, and Vernon—16.

Mr. Morford moved to strike from every section of said bill, except the first, the words, "be it enacted." Which motion prevailed.

Mr. Cahal moved further to amend, by striking out the words "a majority," for the purpose of inserting in lieu, the words "any one." Which motion also prevailed.

The said bill was thereupon read as amended, a third and last time; and

the question, Shall the bill pass? being had, it was determined in the affirmative—ayes 19, noes 5.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Reagan, Robertson, Rogers, Totten and Vernon—19.

The negative voters are,

Mr. Armstrong, Cahal, McGaughey, Powell and Trousdale—5.

A bill from the House of Representatives, to amend the charter of Jackson College, in Maury county, was read a first time and passed.

Mr. Powell submitted the following:

Resolved, by the General Assembly of the State of Tennessee, that our Representatives in Congress be requested, and our Senators instructed, to procure, if possible, the passage of a bill allowing to the manufacturers of iron in the United States, a premium on all iron manufactured for rail roads, equivalent to the duty imposed on foreign iron.

A bill to re-organise the county courts in this State, was taken up and read.

Mr. Totten moved to amend the second section thereof, by adding, after the word "wills," the following:—"All instruments of writing, which by the existing laws are required to be proven and registered." Which motion prevailed.

Mr. Ledbetter moved to strike from said section, the words "ten dollars;" which motion prevailing,

Mr. Ledbetter moved to fill the blank with the words "one hundred dollars." Which motion was rejected.

Mr. Powell moved to fill the blank with the words "seventy-five dollars." Which motion was rejected.

Mr. Johnson moved to fill the blank with the words "fifty dollars." And thereupon the question was had, and determined in the affirmative—ayes 16, noes 8.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Ledbetter,

The affirmative voters are,

Mr. Armstrong, Brown, Cahal, Craighead, Gordon, Hynds, Johnson, Ledbetter, Moore, Morford, Motley, Powell, Reagan, Totten, Trousdale and Vernon—16.

The negative voters are,

Mr. Childress, Graves, Gray, Henderson, Love, McGaughey, Robertson and Rogers—8.

Mr. Ledbetter moved to strike from the seventh line of the second section the words "to vote in the affirmative." And thereupon the question was had, and determined in the negative—ayes 11, noes 12.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Graves,

The affirmative voters are,

Mr. Armstrong, Cahal, Craighead, Gordon, Gray, Hynds, Ledbetter, Powell, Reagan, Totten and Trousdale—11.

The negative voters, are,

Mr. Brown, Childress, Graves, Henderson, Johnson, Love, McGaughey, Moore, Motley, Robertson, Rogers and Vernon—12.

Mr. Powell moved to strike from said bill, the third section thereof. And the question thereon being had, the said motion was rejected—ayes 5, noes 18.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Graves, the affirmative voters are,

Mr. Graves, McGaughey, Powell, Rogers and Trousdale—5.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Motley, Reagan, Robertson, Totten, and Vernon—18.

Mr. Motley moved to strike from the ninth section the words "thirty-seven," for the purpose of inserting the words "twenty-five." And the question thereon being had, it was determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded by Mr. Gray, seconded by Mr Motley, the affirmative voters are,

Mr. Armstrong, Gordon, Graves, Gray, Henderson, Hynds, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, and Vernon—14.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Johnson, Ledbetter, Love, Morford, Totten and Trousdale—10.

On motion of Mr. Childress, the said section was further amended, by inserting after the words "twenty-five," the following:—"Or thirty-seven, if in the opinion of the justices, the interest of the court requires it."

Mr. Trousdale moved to strike from said section all that part thereof from the words "circuit court" to the words "the same." Which motion was rejected.

The said section was further amended on motion of Mr. Craighead, by inserting after the word "practicable," the following:—But no mistake or omission as to the residence of jurors, shall amount to a disqualification.

The said bill was further amended on motion of Mr. Hynds, by inserting the words "citizens of the county," after the words "good and lawful men."

Mr. Powell offered the following as an amendment to the ninth section, to wit:—Provided, they shall each receive the sum of one dollar for each day they may be in attendance on the several courts, to be paid out of the county treasury; and that their certificate of attendance shall be received by the sheriff in payment of their county tax. Which amendment was accepted.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 2d, 1835.

Mr. Cahal presented the return of the clerk of the county court of Marion, shewing the amount of revenue collected by him for the year commencing

first October, 1833, and ending the first of October, 1834; which was referred to the committee on finance.

A bill to amend the charter of Jackson College, in Maury county, was read a second time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The speaker of the House of Representatives did this day sign an enrolled act to incorporate a company to open a turnpike road from Shelbyville, via Fayetteville, to the Alabama line; an act to incorporate the Midsylvania female academy, in the county of Rutherford, and an act to authorise the board of common school commissioners of Hardeman county to receive the internal improvement money to which they are entitled. The House of Representatives concur with the several amendments proposed by the Senate to the bill to establish a supreme court in pursuance of the 2nd section article 6th of the constitution of the State of Tennessee, except the proposition to strike from each section after the first, the words "be it enacted;" and also so much of the proviso of the 8th section as relates to the county of Humphreys, with which they non-concur. And then he withdrew.

Whereupon the Senate receded from their propostion to amend, and the speaker of the Senate signed the said enrolled acts, and ordered them to be deposited in the office of Secretary of State.

Mr. Morford asked and obtained leave to withdraw for amendment, a bill to establish the county of Webster.

The Senate resumed the consideration of the bill to re-organise the county courts in this State.

Mr. Cahal moved a reconsideration of the vote of yesterday, adopting the amendment of Mr. Powell, allowing jurors one dollar per day for their services as such. And the question thereon being had, it was determined in the negative—ayes 12, noes 12.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Love, the affirmative voters are,

Mr. Armstrong, Cahal, Childress, Gordon, Graves, Gray, Henderson, McGaughey, Reagan, Robertson, Totten, and Vernon—12.

The negative voters are,

Mr. Brown, Craighead, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell, Rogers and Trousdale—12.

Mr. Ledbetter offered the following as an amendment to the ninth section to wit:—"Talismen jurors that are kept more than one day, shall receive the same pay as other jurors, for the whole time they may serve." Which amendment was accepted.

Mr. Graves moved to amend said bill, by providing that the court shall sit once every two months, instead of once a month, as now provided. And the question thereon being had, it was determined in the negative—ayes 10, noes 14.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Reagan, the affirmative voters are,

Mr. Armstrong, Graves, Gray, Hynds, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—10.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, and Totten—14.

Mr. Ledbetter moved to amend the fourth section of said bill, by striking therefrom all that part thereof from the word "present" in the second line, to the word "to" in the third line. And the question thereon being had, it was determined in the negative—ayes 8, noes 16.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Johnson, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Johnson, Ledbetter, Love, Moore and Robertson—8.

The negative voters are,

Mr. Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, McGaughey, Morford, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—16.

Mr. Totten offered the following in lieu of the fourth section of said bill, to wit:—That it shall be the duty of the justices of the peace of said court, (a majority of the justices of said court being present) at their first term in every year, to elect a chairman, who shall hold his office for one year, and until his successor is appointed, whose duty it shall be to preside over the deliberations of said court, and perform such other duties as now are or may be assigned him by law. Which amendment was received.

Mr. Gray offered the following amendment to the 15th section of said bill, to wit:—Provided, that if said court should fail to lay a tax at the session above designated, they shall do so at their next session. Which amendment was received.

Mr. Cahal offered the following as an amendment to the 11th section, to wit:—And said circuit court shall have authority to render judgment, on motion, against such delinquent officer, in the same manner and under the same rules that the county courts are now authorised to render such judgments.

Which motion was received.

The said bill was thereupon read as amended a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 18, noes 6.

The ayes and noes being required by the Constitution, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Love, Moore, Morford, Motley, Reagan, Robertson, Totten and Vernon—18.

The negative voters are,

Mr. Graves, Hynds, McGaughey, Powell, Rogers and Trousdale—6.

And so said bill passed its third reading, and was ordered to be transmitted.

A bill to establish the county of was taken up and read. Mr. Vernon moved to fill the blank with the word "De Kalb;" which motion failing, Mr. Reagan moved to fill the blank with the name of "Vernon," in honor of Col. Miles Vernon, the Senator from the county of Rhea; which motion prevailed.

Mr. Trousdale moved to fill the second blank with the name of "Reagan,"

in honor of James Hayes Reagan, the Senator from the county of McMinn; which motion also prevailed.

The said bill was thereupon read a second time and passed.

The resolution heretofore submitted by Mr. Morford, requiring the principal clerk to employ some suitable person to transcribe the Journal of the Senate for the use of the public printer, was taken up, read and rejected.

Mr. Morford returned a bill to establish the county of Webster, and proposed the following amendment thereto, to wit:—Strike out from the words "sixty four poles" to the words "Wm. Young," and insert the following, to wit:—Thence a southwardly direction passing the spur of Cumberland mountain, at James Pettie's, to the Marion line, and with said line a north-east direction, so far as to reach a point which will be intersected by a line running south 83 degrees, east from the station on the red line on the map in the forks of the stage road leading from Winchester to McMinnville; thence north 83 degrees west, to said station, thence north 47 degrees west, three miles and 272 poles, thence north 25 degrees west, one mile and 80 poles, thence north 29 degrees, west four miles.

Which said amendment was rejected.

Mr. Speaker Webster (then on the floor) moved to strike from said bill the amendment made on the second reading thereof, and to reinstate that part of the original bill designating the boundary of said county.

On motion of Mr. McGaughey, the said bill and motion were ordered to the table.

A bill to incorporate the East Tennessee manufacturing company, was read a second time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The House of Representatives have adopted a resolution to go into the election of supreme judges on Friday next—in which they ask the concurrence of the Senate. And then he withdrew.

Whereupon Mr. Hynds moved a non-concurrence with said resolution; which motion failing, the resolution was concurred with.

Ordered, That the clerk acquaint the House of Representatives therewith.

And then the Senate adjourned.

THURSDAY, DECEMBER 3d, 1835.

Mr. Johnson presented the petition of sundry citizens of the counties of Dickson, Stewart and Humphreys, in relation to a new county; and also grant No. 994, for 228 acres, issued to John McNairy. Which were referred to their appropriate committees.

The resolution from the House of Representatives, authorising the Governor of this State to open a correspondence with the Governors of Georgia and Alabama, upon the subject of a rail road connecting the Tennessee with the

Coosa river, was read and referred on motion of Mr. Ledbetter, to the committee on internal improvements.

A bill from the House of Representatives to incorporate the Lagrange and Memphis rail road company, was read a first time and passed.

A bill making an appropriation to Eli A. Seay, was read a second time and passed.

A bill to amend the charter of Jackson College, in the county of Maury, was read a third and last time in both Houses, passed, and ordered to be engrossed.

A message from the House of Representatives by Mr. Mitchell their clerk:

Mr. Speaker: the House of Representatives concur with the several amendments proposed by the Senate to the bill concerning the rents and profits of school lands, except the following, to wit: "That in no case shall a recovery be had under the provisions of this act, which shall exceed the amount said land was actually rented for by the State or her agent, after deducting the value of all improvements made upon the same, and all sums expended by the agent of the State in discharge of the duties of his appointment; judgment shall be rendered for such balance as remains due after making the deductions aforesaid, with interest thereon; with which they non-concur. And then he withdrew.

Whereupon Mr. Moore moved the Senate to recede. And the question thereon being had, it was determined in the negative—ayes 9, noes 16.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Brown, the affirmative voters are,

Mr. Speaker, Craighead, Hynds, Love, Moore, Morford, Reagan, Trousdale and Vernon—9.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, McGaughey, Motley, Powell, Robertson, Rogers & Totten—16.

It was thereupon Ordered, that an insisting message be sent to the House of Representatives.

Mr. Love asked and obtained leave to withdraw for amendment, a bill to provide for the election of a county surveyor and entry taker for the several counties in this State.

Mr. Craighead moved a re-consideration of the vote of yesterday, rejecting the resolution submitted by Mr. Morford, requiring the principal clerk to employ some suitable person to transcribe the Journal of the Senate, for the public printer; which motion was rejected.

Mr. Cahal, from the joint committee on finance, made the following report:

REPORT.

The joint Finance Committee of both branches of the General Assembly, report, that they have settled with the Treasurers of the State, and herewith exhibit a statement of the revenue received and disbursed for the two years ending 1st of October, 1835, including the revenue of 1833 and 1834.—From the statements herewith presented, marked exhibits A, B, C and D, it

will appear that on the said first day of October, after defraying the expenditures of the government for the two years, which have transpired since the last settlement, and also the interest on the debt due in the Union Bank, amounting to $36,630 27, incurred to defray the expenses of the late Convention, and also paying all specific appropriations, there remained in the office of the Treasurer of West Tennessee, the sum of $1,723 15.

The committee take occasion to suggest to the General Assembly, that, in addition to the revenue which it will be necessary to raise, to defray the ordinary expenses of Government for the ensuing two years, it will also be necessary for the representatives of the people to levy a tax to pay this debt of $36,630 27; which is bearing an interest of six per cent, payable semi-annually, or to make such other arrangement on the subject, as will be most convenient for the people and most conduce to the welfare and prosperity of the State; and as shall preserve unimpaired the public credit and inviolate the public faith. This debt was incurred in a laudable effort to improve the fundamental law of the State, and to adapt its provisions to the actual condition of society, and to the feelings of the present generation of our happy and growing country. Whether this attempt at improvement shall prove a blessing to those by whose sovereign will it was made, experience has yet to demonstrate, and does in a great degree depend on the manner in which we shall put into operation this amended form of government. If, as wise statesmen, we shall rear up institutions suited to the broad foundation which has been provided in their constitution by the great people, who have confided to our hands the guardianship of their rights as well as those of posterity, we may expect to see our favored country, under its amended constitution, daily growing more prosperous and happy; and its citizens more contented, intelligent and independent. If our legislation shall effect this great and desirable object, this debt will be paid with cheerfulness by the patriotic people of Tennessee.

The committee, at this time, when the government is about to be re-organized, and its most important institutions re-modelled, have considered it proper to extend their enquiries to matters which, on ordinary occasions, might not have been esteemed strictly within the legitimate sphere of their action, and have instituted an investigation into the practical operation of the present revenue system, with a view to provide the best practicable remedy for such defects as exist in its collection and disbursement. From returns made to the legislature and to the several treasury officers, it appears, that in most of the counties of the State, not more than two thirds, and in some, little more than half of the taxable property and polls is listed far taxation. Of the amount thus returned, a great deal is never collected, and of the amount actually collected a great deal is lost to the State, by the failure of those whom the law has entrusted with its collection. They therefore feel authorized to say that, in their opinion, little more than one half of the public revenue, which annually falls due to the State, ever reaches the public treasury to defray the general expenditures of the government, by which all are equally protected, and in whose blessings all alike participate. The listing of taxable property, and the mode of ascertaining its value, and the manner in which taxes shall be collected, it is conceived, fall more appropriately in the sphere

of the duties assigned to the Committee of Ways and Means; and therefore no bill is reported embracing this subject, which it is confidently hoped, will be amply provided for in the general revenue system.

The great operations of government, no more than the private affairs of individuals, cannot be carried on without money to remunerate its functionaries for their services rendered to the public; and as these services are performed for the general welfare of the whole community, each individual member ought to contribute his ratable share of the common debt, incurred for the enforcement of the laws and the maintenance of order. Every citizen, whether exalted or humble, ought to bear the burdens of government, in proportion to the protection it affords to his liberty and his life—his person—his property and his reputation. In a government like ours, constituted not for the emolument and honor of its public officers; but for the sole benefit and protection of the rights of the governed, so long as there is a rigid enforcement of the revenue laws, economy in the public expenditures and a strict accountability imposed on those entrusted with the collection and disbursement of the public moneys, those burdens must remain so light as scarcely to be felt and never complained of by those, whose happy destiny it is to contribute them, as the only price paid for the enjoyment of civil and religious liberty.

The committee conceive that the existing revenue system is not only defective in the provisions made for its collection, but they believe that sufficient guaranties are not provided for its security and faithful disbursement, and they feel justified in the assertion, that, if the State has not been defrauded of large sums of money drawn from the industry and taken from the hard earnings of the people, it is rather to be attributed to the integrity of those entrusted with its management than to any sufficient guards provided for its security and preservation.

Under the existing system three treasurers receive the public revenue from the collecting officers, put their own construction on the laws, which authorize them to disburse the public moneys, keep their books and accounts just as they please, without any uniform rule being established, and possess the power to manage the funds of the State agreeably to their own judgment, with no other guaranty for a faithful discharge of their duties, and no other barrier against a misapplication of the public treasure, than an examination, made once in two years, by a committee of members of the legislature. The inducement to do wrong with a means of detection so slender, is too great to offer to the cupidity of erring man. This settlement with the treasurers, and examination of their books by such committee, is an arduous duty, which few politicians are competent to discharge well, and one whose drudgery still fewer are willing to perform, wtth that patience which is required to attain accuracy. It interferes with the regular and important duties of a legislator, at a time when the entire energies of his mind ought to be devoted to the consideration of digesting and enacting wholesome laws for the government of his country and the well-being of society. The performance of this duty has occupied the attention and been the employment of a part of the committee, two-thirds of the nights since the present General Assembly convened. The settlement embraces the collection and disbursement of the whole revenue of the State during the two preceding years, ex-

tending from the largest to the smallest item of the State taxes, and including the entire expenditures of the government, from the Governor's salary down to the payment for a wolf scalp. This, unlike most of the duties which devolve on a member of the Legislature, is not to be performed before the public, but in private, where he is to act uninfluenced by any other motive than a desire to serve his country faithfully and save the people's money, and where it is rarely known what has been the extent of his services, or whether he has acted with fidelity or betrayed his trust. It is attended with no pleasure, and rewarded with no honor.

Politicians are seldom skilful financiers, and few of them, in the midst of the exciting topics on which their station compels them to act, have the inclination to enter into a minute calculation of dollars and cents in the expenditures of a whole State. Those matters they are too apt to consider as more appropriately falling in the province of clerks and brokers. It must rarely happen that a Treasurer, who had the inclination, would not also possess the power, to deceive a committee constituted of such materials. His books to them are unknown, and if they should have an acquaintance with book-keeping, they are compelled to call on him to explain the mode in which his have been kept, and as there is no legally defined plan by which his accounts are to be kept, each Treasurer has the right to adopt that which he esteems most convenient, and in most cases the settlement of such a committee, at the termination of their long labors, is no more than such a settlement as a Treasurer pleases they shall make.

The Committee believe that the same man who receives the public moneys, should not be vested with authority to determine when and how they are to be applied. They have learned that in a free government one hand should wield the sword, and another hold the purse, and on the same principle they believe that one officer should receive the public money, and another direct and determine the legality of its application. They think it bad policy to empower the Treasurer, both to liquidate and satisfy demands against the State, but are of opinion that he should be merely authorized to receive, keep and pay out the public money according to the directions of another department, which should have no authority to touch a dollar in the treasury.—The Treasurer should be the mere banker of the State, and manage its funds agreeably to the orders of a Comptroller. The one should receive and take care of them, and the other prescribe the manner in which they should be applied. Under a system thus organized, the Comptroller has no power to apply the public moneys to his own use, and the Treasurer none to misapply them without a certainty of being detected in any fraud he may attempt to perpetrate.

The Committee also believe, that, in the proportion that the number of agents engaged to discharge the same duty is multiplied, responsibility is diminished, and risque of loss and expense increased, and that therefore, more than one Treasurer is unnecessary. They feel sure that with the convenience of the several banks established in the different divisions of the State, a single Treasurer can, with greater convenience to the people, and less expense to the State, make arrangements to reeeive and disburse the taxes, than it can be effected with three under the existing system. Our sister States

have but one Treasurer, and the capitols of several of them are as distant from the extremes as Nashville is from any part of Tennessee. The Federal Government, with but one treasury department, collects and disburses its thirty millions of money annually, to the most distant parts of our extended confederacy. This, under a well regulated system, is effected with promptness, certainty and accuracy.

The committee feeling satisfied that the same can be done in Tennessee, herewith report a bill to establish a comptroller's and a treasury department, which they recommend the General Assembly to pass, under the firm conviction that the enactment of the provisions they contain, will tend to promote economy, secure the treasury against peculation, increase the convenience and lighten the burdens of the people.

TERRY H. CAHAL, Chairman of the
Finance Committee on the part of the Senate.
ELIJAH BODDIE, Chairman of the
Finance Committee on the part of the House of Representatives.

The Chairman of the Finance Committee, desiring not to arrogate to himself credit for services rendered by others, begs leave to suggest, that most of the labor mentioned in the foregoing report, has been performed by Mr. Boddie of Sumner, Mr. Rogers of Hawkins, and Mr. Williams of Stewart, members of the House of Representatives.

These gentlemen have kindly relieved the undersigned from the most onerous portion of the labor, which it was appropriately his duty to discharge; and feeling unwilling that it should happen in this case, as it often does, that one man renders service for the public, while another reaps the honor, he avails himself of this occasion to acknowledge their kindness, and to add, that if industry, vigilance and fidelity in discharging the duties of a representative can secure the confidence of his constituents, they are entitled to receive from theirs a rich reward.

TERRY H. CAHAL.

EXHIBIT D.

AGGREGATE STATEMENT OF THE REVENUE RECEIVED AND DISBURSED, FOR THE TWO YEARS ENDING OCTOBER, 1835, INCLUDING THE REVENUE OF 1833 AND 1834.

RECEIPTS.	Accounts rendered against Sheriffs.	Sheriffs Commissions and Credits.	Amount paid in by Sheriffs.	County Court Clerks.	Circuit Court Clerks.	Supreme & Chancery C'rt Clerks.	Amount charged to Clerks.	Clerk's commissions.	Amount paid in by Clerks.	Full Amount of Judgments.	Collected on Judgments	Balance due on Judgments	Dividends on Bank Stock.	Balance in hand of Treasurer last settlement	Collected on Revenue due previous to 1833.	TOTAL.
Treasurer of Western District.	23,576 30	8,520 31	15,743 03	13,743 63	3,078 98	634 51	17,457 12	436 42	17,020 70		640 64				640 64	33,843 79
Treasurer of East Tennessee.	21,017 29	6,227 42	15,189 23	13,660 44	1,739 54	245 08	15,645 06	391 12	15,253 94	1,343 93	649 98	693 95	225 00		164 30	31,709 27½
Treasurer of West Tennessee.	52,188 64	15,889 61	36,623 43	38,312 23	8,748 34	1,344 80	48,410 37	1,210 28	47,200 09	4,779 82	359 0	4,420 82	3,500 00	13,145 89	359 00	117,775 71
	96,682 83	30,687 34	67,555 69	65,716 30	13,566 87	2,229 39	81,512 55	2,037 82	79,474 73	6,123 75	1,649 62	5,114 77	3,725 00	13,145 89	1,163 94	
DISBURSEMENTS.	Legislature.	Executive.	Judiciary.	Secretary of State.	Expenses of Secretary's office	Solicitor's Pay.	County commissioners of Revenue—pay	Criminal cost.	State Tax, paid to Counties.	Wolfs Scalps.	Miscellaneous Expenses.	Treasurer's commissions, &c.	Amount paid Treasurer Middle Tennessee.	Taking Enumeration of 1833	Interest on Convention Debt	TOTAL.
Treasurer of Western District.			7,800 00			1,237 50	307 50	6,629 71		631 00	892 04	1,215 31	15,130 73			33,843 79
Treasurer of East Tennessee.			14,755 00			1,366 66⅔	482 50	9,963 39	5,024 99	600 00	1,007 27	1,151 28	1,577 06	806 09		31,709 27⅔
Treasurer of West Tennessee.	24,890 85	4,064 00	26,824 60	1,312 50	825 02	16,000 00	592 50	13,314 09		587 00	25,417 13	2,630 47			1,891 64	117,775 71
	24,890 85	4,064 00	49,379 60	1,312 50	825 02	4,404 16	1,182 50	29,907 12	5,024 99	1,818 00	27,316 44	4,997 06	16,707 79	806 09	1,891 64	

Nov. 14, 1835. To balance due on this day per contra,
It appears that there is in the hands of the Treasurer of West Tennessee, received by him of the estate of Mason Lee, $4,700

EXHIBIT C.

DR. THOMAS CRUTCHER, TREASURER OF WEST TENNESSEE, IN ACCOUNT WITH THE STATE OF TENNESSEE, 1833 and 1834.

To amount on hand last settlement,			$13,145 89
" " received of Treasurer of Western Division			15,130 73
" " of Treasurer of Eastern Division			1,577 90
" " of Yeatman, Woods & Co.'s Bank			3,500 00
" " of Clerks of County Courts for 1833			16,794 38
" " of Clerks of Circuit Courts for 1833			4,719 00
" " of Clerks Supreme and Chancery Courts for 1833			514 40
" " of Sheriffs for 1833			12,433 91
" " of Clerks of County Courts for 1834			20,560 06
" " of Circuit Courts for 1834			3,810 59
" " of Clerks Supreme and Chancery Courts for 1834			801 66
" " of Sheriffs for 1834			24,189 52
" " of Securities of William Smith, late Clerk of Williamson county, 1831,			359 00
" " " of Trent C. Conner, for moneys overdrawn on a Bill of costs— State vs. Miles Mullins			238 67
			$117,775 71

By amount paid Members of General Assembly, 1833		$21,111 71
" " Clerks and Door-Keepers, 1833		2,808 00
" Sundry appropriations: Wood, Stationery, &c. 1833		971 14
" paid Printers for printing Yeager's Reports, &c.		11,939 24
" Governor's Salary, from October 1, 1833, to October 12, 1835		4,064 00
" Secretary of State's salary, from October 1, 1833, to July 1, 1835		1,312 50
" Expenses of Secretary of State's office for Postage, Stationery, &c.		825 02
" Judges of Supreme Court to 1st October, 1835		10,470 00
" Chancellor Cook, two years' salary		3,000 00
" Salary Circuit Judges, to 1st October, 1835		13,354 60
" Gerard Troost, Geologist, " "		1,000 00
" Attorneys General, " "		1,800 00
" paid taking enumeration, not rendered on last settlement		163 59
" " on Governor's Proclamations		150 00
" " Keeper of Penitentiary on Governor's warrant		7,700 00
" " County Commissioners		392 50
" " Taxes rel eased for insolvents		324 40
" " for conveying Convicts to Penitentiary		5,751 27
" " Costs for Criminal Prosecutions		13,314 02
" " on Wolfs' Certificates		587 00
" " Commissioners Lunatic Hospital, by act 1833		4,606 00
" " Commissioners Court House, Dickson County		661 31
" " " " Fentress County		146 76
" " John Thompson and others, running State line on Governor's warrant,		248 67
" " apprehending Criminals		49 00
" " Judgments not collected, to wit:		
1829 on L. H. Brown, Sheriff of Giles		1,369 22
1833 " " " "		1,350 90
1834 " Thomas C. Porter " "		1,545 82
1834 " Edmund Russell, Clerk of Franklin		513 88
		4,779 82
" Commissions on $87,182 52, at 3 per cent.		2,630 47
" amount paid Union Bank up to 1st July, 1835, on Convention Loan,		1,891 64
" Balance brought down		1,723 15
		$117,775 71

EXHIBIT B.

DR. JAMES CARUTHERS, TREASURER, WESTERN DIVISION, IN ACCOUNT WITH THE STATE OF TENNESSEE, FOR 1833 and 1834.

To amount received of Sheriffs,	for 1833		$5,384 40	By amount paid Judges,	1833 and 1834	$7,800 00
" " " Do.	1834		9,690 06	" " " Solicitors		1,237 50
" " " Sheriff's arrearages			668 57	" " " Revenue to Counties		
" " " of County Court Clerks	1833		5,865 90	" " " Criminal Prosecutions		6,629 71
" " " of do. do. Clerks	1834		7,880 73	" " " paid Wolfs Scalps		631 00
" " " of Circuit Court Clerks	1833		1,484 35	" " " County Commissioners of Revenue		307 50
" " " of do. do.	1834		1,594 63	" " " Miscellany		892 04
" " " of Chancery and Supreme Clerks	1833		543 38	" " " Treasurers Commissions and Salary		1,215 31
" " " of do. do.	1834		91 13	" " " Receipt of Treasurer West Tennessee		15,130 73
" " " Judgments due at last Treasury report			640 64			
			$33,843 79			$33,843 79

EXHIBIT A.

DR. MILLER FRANCIS, TREASURER OF EAST TENNESSEE, IN ACCOUNT WITH THE STATE OF TENNESSEE, FOR 1833 AND 1834.

1833	For amount received of Clerks of County Courts	$6,030 18¾		
	" " " of Clerks of Circuit Courts	795 44¼		
	" " " of Sheriffs	4,703 80½		
	" " " of Chancery and Supreme Courts	90 60½		
			11,620 04	
1834	" " " of Clerks of County Courts	7,630 25¼		
	" " " of Clerks of Circuit Courts	944 09¾		
	" " " of Sheriffs	10,485 43		
	" " " of Clerks, Supreme and Chancery	154 47¼		
			19,214 25¾	
	" " Judgments recovered and received since last settlement		649 98	
	" " Cash received of the old State Bank, said to be interest due on Stock held by the State in the old State Bank, which was not paid over to the Cashier of the new State Bank when Stock was paid or transferred		225 00	
			$31,709 27¼	

For amount paid Judges, Supreme, Chancery and Circuit Courts, 1833, 1834 and 1835		$14,755 00
" " Attorneys General claims, 1833, 1834 and 1835		1,366 66¾
" " Claims paid for Wolf Scalps for the years 1833, 1834 and 1835		600 00
" " Paid for costs in cases where persons were convicted and sent to the Penitentiary		3,009 50¾
" " Costs on criminal cases where no convictions		6,953 89
" " Claims paid County Commissioners for the years 1833 and 1834		482 50
" " Claims paid the Commissioners for taking the enumeration in 1833		806 09
" Miscellaneous claims paid for the years 1833, 1834 and 1835		1,007 27¼
" Commissions on $31,709 27¼, at three per cent, the amount of revenue received by him		951 28¼
" Two years salary at $100 each		200 00
" Thomas Crutcher's receipt		1,577 06
		$31,709 27¼

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Mr. Cahal, from the same, introduced a bill to establish a comptroller's department, and to prescribe his duties; and also a bill to establish a treasury department, and to prescribe the duties of Treasurer.

Both of which, together with the foregoing report, were ordered to the table.

And then the Senate adjourned.

FRIDAY, DECEMBER 4th, 1835.

Mr. Armstrong presented the petition of sundry citizens of Overton, Jackson and Fentress counties, relating to a grant of a re-charter for a turnpike road; which was referred to the committee on internal improvement.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives are now ready to go into the election set apart for this day. And then he withdrew.

Whereupon the speaker and gentlemen of the Senate repaired to the hall of the House of Representatives; and thereupon the two Houses proceeded (viva voce) to the election of a supreme judge for the Western division.—William B. Turley being nominated by Mr. Robertson, the Senator from the county of Hardeman, the vote of the Senate was for Turley as follows, to wit:

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—25.

The vote of the House of Representatives being continued and the result announced, the speaker of the Senate declared that William B. Turley was duly and constitutionally elected one of the judges of the supreme court of this State, for the term of twelve years from and after this date.

The two Houses in like manner proceeded to the election of a supreme judge for the Middle division. Nathan Greene and John Catron being in nomination, the vote of the Senate was as follows, to wit:

For Nathan Greene—Mr. Brown, Graves, Gray, Henderson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Rogers, Trousdale and Vernon—14.

For Catron—Mr. Speaker Webster, Armstrong, Cahal, Childress, Craighead, Gordon, Hynds, Johnson, Reagan, Robertson and Totten—11.

The vote of the House of Representatives being continued, and the result thereof announced, the speaker of the Senate declared that Nathan Greene was duly and constitutionally elected one of the judges of the supreme court of this State, for the term of twelve years from and after this date.

The two Houses proceeded in like manner to the election of a supreme judge for the eastern division. William B. Reese being in nomination, those of the Senate who voted for Reese, are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Mc-

Gaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—25.

The vote of the House of Representatives being had, and the result announced, the speaker of the Senate declared that Wm. B. Reese was duly and constitutionally elected one of the judges of the supreme court of this State, for the term of twelve years from and after this date.

And thereupon the speaker and gentlemen of the Senate returned to their own chamber.

The bill to establish the county of Webster, was taken up and read, and after undergoing several amendments,

Mr. Morford moved the following amendment thereto, to wit:—"That four commissioners shall be appointed in each of the divisions composing the county of Webster, who shall locate the seat of justice."

On motion of Mr. Ledbetter, the said bill and amendment were ordered to the table.

A bill to incorporate the East Tennessee manufacturing company, was read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 15, noes 8.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Johnson, the affirmative voters are,

Mr. Speaker, Armstrong, Brown, Gray, Henderson, Hynds, Johnson, Love, McGaughey, Morford, Powell, Robertson, Rogers, Totten and Vernon—15.

The negative voters are,

Mr. Childress, Gordon, Graves, Ledbetter, Moore, Motley, Reagan and Trousdale—8.

A bill giving Julius Dugger the further time of two years to build a toll-bridge across Watauga river, was read a second time and passed.

A bill to amend an act entitled an act to authorise Joseph B. Thomas and James B. Reynolds to build a bridge across Red river, in Montgomery county, passed the 8th day of October, 1832, was read a third time and passed.

A bill to authorise Ephraim Burket and Burwell Beard to lay off a town upon their own lands in Humphreys county, was read a 2d time and passed.

A bill making an appropriation to Eli A. Seay, was read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 17, noes 5.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Brown, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Powell, Reagan, Robertson, Rogers, Totten, and Vernon—17.

The negative voters are,

Mr. Cahal, Graves, Love, Motley, and Trousdale—5.

Mr. Totten submitted the following:

Resolved, That so much of the fifth section of the 5th article of the constitution as provides that justices of the peace and other civil officers not herein before mentioned, for crimes and misdemeanors in office, shall be liable to indictment in such courts as the Legislature may direct; and upon conviction, shall be removed from office by said court, as if found guilty on

impeachment, and shall be subject to such other punishment as may be prescribed by law," be referred to the committee on the judiciary, with instructions to enquire what legislation is necessary thereon, with leave to report by bill or otherwise.

Mr. Totten introduced a bill to explain and amend an act to abolish imprisonment for debt, except in cases of fraud, passed in 1831, ch. 40; and also a bill to explain and amend an act entitled an act to amend the registration laws of this State, and for other purposes, passed in 1831, ch. 92, entitled an act to amend the registration laws of this State, and regulating the probate of deeds, and other instruments.

Mr. Robertson, a bill to repeal the second and third sections of an act entitled an act to amend the judiciary system of the State of Tennessee, passed the 15th of December, 1831, ch. 52. And

Mr. Armstrong, a bill to amend an act entitled an act appointing suitable persons to open and keep in repair, that part of the road leading from south west point to Carthage, which lies on Cumberland mountain, passed the 15th of November, 1815.

All of which were severally read a first time and passed.

A bill from the House of Representatives, to regulate the practice in circuit courts of this State, was read a first time, passed, and referred on motion of Mr. Cahal, to the committee on the judiciary.

A bill for the temporary appointment of overseers of roads, was read a second time and passed.

And then the Senate adjourned.

SATURDAY, DECEMBER 5th, 1835.

A message from the House of Representatives by Mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives again non-concur with the Senate's amendment to the bill concerning the rents and profits of school land, and propose a committee of conference on the propriety of the said amendment, consisting of Mr. Robertson, Guild, and McClain, on the part of the House of Representatives.

They have taken up on its last reading in both Houses, the bill to provide for laying off the several counties in this State into districts of convenient size, within which justices of the peace and constables shall be elected; and propose sundry amendments thereto, herewith transmitted.

The speaker of the House of Representatives did this day sign an enrolled act, entitled an act to amend the charter of the Jackson College, in Maury county. And then he withdrew.

Whereupon the speaker of the Senate signed the said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

The Senate agreed to the proposition to appoint a committee of conference on the amendment to the bill concerning the rents and profits of school lands.

The speaker appointed Mr. Craighead, Gray and Johnson to be of said committee on the part of the Senate.

The Senate proceeded to the consideration of the amendments proposed by the House to the bill to provide for laying off the several counties into districts of convenient size, within which justices of the peace and constables shall be elected. All of which preceding the 13th section were concurred with.

The said 13th section, (proposed as an amendment to the bill) in the following words, to wit: "That the first election for justices of the peace and constables shall be held on the first Saturday of March, 1836, and ever afterwards, the sheriffs or coroners shall every six years, on the first Saturday of March, hold an election according to the provisions of this act, in said districts, for justices of the peace; and every two years after the said first election, on the first Saturday of March, for the appointment of constables, who shall make the necessary returns; and after said justices of the peace and constables shall be qualified in the manner prescribed in this act, they shall enter upon the duties of their respective offices," being read, the question was had upon a concurrence, and determined in the affirmative—ayes 13, noes 10.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Totten, the affirmative voters are,

Mr. Speaker Webster, Brown, Childress, Craighead, Hynds, Johnson, Love, McGaughey, Moore, Reagan, Rogers, Trousdale and Vernon—13.

The negative voters are,

Mr. Armstrong, Cahal, Gordon, Graves, Gray, Ledbetter, Morford, Powell, Robertson, & Totten—10.

The 15th section, proposed as an amendment, in the following words:—"That if a vacancy occur in the office of justice of the peace or constable, by death, resignation, or removal from office, or by the removal of any of said officers from the district in which he was elected, the sheriff or coroner shall immediately thereafter, by giving ten days notice by advertisement as aforesaid, open and hold an election in said district, to fill such vacancy agreeably to the provisions of this act; and the persons shall be qualified as aforesaid, and shall hold their offices for and during the term for which his predecessor was elected, and no longer," being read, the question of concurrence was had, and determined in the affirmative—ayes 14, noes 9.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Totten, the affirmative voters are,

Mr. Speaker Webster, Brown, Childress, Craighead, Hynds, Johnson, Love, McGaughey, Moore, Morford, Reagan, Rogers, Trousdale and Vernon—14.

The negative voters are,

Mr. Armstrong, Cahal, Gordon, Graves, Gray, Ledbetter, Powell, Robertson, and Totten—9.

All other propositions to amend, were read and concurred with.

Ordered, That the clerk acquaint the House of Representatives therewith.

And then the Senate adjourned.

MONDAY, DECEMBER 7th, 1835.

Mr. Craighead, from the committee on enrollments, reported as correctly enrolled, an act to incorporate the inhabitants of the town of Trenton, in the county of Gibson; an act to authorise sheriffs to convey persons arrested on a criminal charge in one county to the prison of another county for safe keeping; and an act to incorporate the Edmondson female academy, in the county of Warren.

All of which were signed by the speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. McGaughey submitted the following:

Resolved, by the General Assembly of the State of Tennessee, that the Senate meet the House of Representatives in their hall on Thursday the 10th inst. at 11 o'clock, A. M. for the purpose of electing treasurers for the several departments of this State.

Mr. Speaker presented a communication from John Howard Payne, upon the subject of his arrest within the limits of this State by the Georgia Guard. Which was referred, on motion of Mr. Trousdale, to the committee on propositions and grievances.

The resolution heretofore submitted by Mr. Moore, directory to the committee on privileges and elections, in relation to the establishment of precincts for holding elections, was taken up, read and adopted.

The resolution heretofore submitted by Mr. Totten, referring to the judiciary committee so much of the fifth section of the fifth article of the constitution as provides that "justices of the peace and other civil officers not herein before mentioned, for crimes and misdemeanors in office, shall be liable to indictment in such courts as the Legislature may direct," &c., was taken up and read.

Mr. Cahal moved to amend, by providing that the same be referred to a select committee of three, instead of the judiciary committee; which motion prevailing, the said resolution was read as amended and adopted.

The speaker appointed Mr. Totten, Cahal and Johnson the said committee.

The resolution heretofore submitted by Mr. Ledbetter, appointing commissioners to lay off the several counties into districts of convenient size, within which justices of the peace and constables shall be elected, was taken up and read, the blanks therein filled by Senators representing the several counties, to wit:

For the county of Carter—James Keys, Lawson White, Jeremiah Campbell, Christian Carriger, and Taylor McNabb.

For the county of Washington—Nathan Shipley, Jacob Hartsell, Henry King, Esq., James McAlister and Ebenezer Barkley.

For the county of Sullivan—Abraham Gragg, John R. Dulaney, Thomas White, Nathan Bauchman, Jun'r., and Daniel Branstiller, Esq.

For the county of Cocke—Abraham Fine, John F. Fowler, Geo. Nease, William Robinson and Alexander E. Smith.

For the county of Jefferson—Jonathan Wood, Joseph B. M. Reese, Rob't. McFarland, Daniel Meek and John Roper.

For the county of Blount—William McTeir, Sr., Spencer Henry, Col. Wm. Wallace, John Hackney, and Samuel Tullock.

For the county of Sevier—John Phariss, Micajah C. Rogers, John Mullendore, Samuel Pickens and Enoch Underwood.

For the county of Green—David Rice, David Johnson, Gilbert Woolsey, Wm. Smith and Richard West.

For the county of Hawkins—Richard Mitchell, Gabriel McCraw, John Reynolds, John Mitchell, and Orville Bradley.

For the county of Grainger—James Salling, James West, Thomas McBroom, Daniel Carmichael and Wm. Clark.

For the county of Claiborne—Richard F. Griffin, Wm. Rogers, Walter Evans, James Overton and Elijah Jones.

For the county of Campbell—Matthew Douglass, Isaac Reed, John Kincade, Elijah Hill and Joseph Hart.

For the county of Anderson—Wm. Brummett, Joseph C. Moore, Samuel C. Young, James H. Nichol and John Garner.

For the county of Morgan—Alexander Ross, James Lea, Garrett Hall, Samuel Young and James Jones.

For the county of Knox—Jeremiah Johnson, Robert Armstrong, Nicholas Gibbes, James Coleman and Wm. Galbreath.

For the county of Roane—Joseph Bird, Joel Emery, Thomas Lackey, Amos Marney and Wm. Browder.

For the county of Monroe—John Fine, Jesse Cunningham, Wm. Bayles, Thomas L. Twoney and Archelaus Stepp.

For the county of McMinn—Charles Matlock, Thomas B. Love, Manuel Parkerson, Esq., Robert Norman and David Clague.

For the county of Rhea—Stephen Winton, Abram Cox, Jun'r., John D. Chatton, John Locke and Wm. T. Gillenwaters.

For the county of Bledsoe—Joseph B. McClendon, James Ormes, Sam'l L. Story, Isaac Robinson and Burden Wheeler.

For the county of Marion—Obediah Bean, Josiah Magby, Jun'r., John Mitchell, John Bennett and George Moore.

For the county of Hamilton—Wm. Clift, Thomas Shirley, John Lovelady, Benjamin B. Carmon and Elisha Rogers.

For the county of White—Joseph Herd, Joseph Cummings, D. L. Mitchell, John England, Jr. and Samuel Johnson, Sr.

For the county of Overton—Jonathan Douglass, Wm. Gore, Vallentine Matlock, Wm. Donnaldson and George Christian, Sr.

For the county of Fentress—Charles Reagan, Wm. Travis, William B. Richardson, Thomas Beaty and Jesse Cobb.

For the county of Jackson—James Young, Richard F. Cook, David Cox, David Griffith and Baily Butler.

For the county of Warren—George R. Smartt, Isaac Hill, John Paine, James Wood and Hiram Kersey.

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For the county of Sumner—General William Hall, Col. Daniel Montgomery, Thomas Anderson, Esq., Meredith Hodges, Esq. and Jonathan Davis, Esq.

For the county of Maury—Esom B. Dooley, Powhattan Gordon, D. H. True, James Huey and John R. Hill.

For the county of Bedford—

For the county of Henry—Constantine Frazier, Crawford Bradford, Jas. C. Gainer, William S. Patterson and Michael Brooks.

For the county of Rutherford—Solomon Beesley, Henry Trott, Green B. Lannum, Hugh Robertson and James Read.

For the county of Davidson—A. B. Demoss, Joseph L. Ewing, Enoch Ensley, G. G. Washington and Edmund Goodrich.

For the county of Williamson—John L. McEwen, Isaac Ivy, Michael Kinnard, Richard I. Hill and James W. Carson.

For the county of Lawrence—Robert Brashears, Hugh C. McIntire, Jno. Wasson, Wm. McAlister and Ephraim Massey.

For the county of Wayne—Nathan Biffle, James Carr, George Whetton, Wm. R. Curtis and Wm. B. Ross.

For the county of Hickman—Alfred Darden, George Peery, Jonathan Reeves, John Depriest and Alexander Gray.

For the county of Dickson—Wm. Hightower, Joseph Kimble, Minor Bibb, William Hagins and James W. Christian.

For the county of Stewart—Joseph Pinner, Abethel Wallace, Henry L. Atkins, Hugh McMillan and Ephraim Gatlin.

For the county of Humphreys, John Thompson, Isaac Little, Wm. McCastland, James Tacs and William Guess.

For the county of Robertson—Warren L. Pain, Jesse Ellis, Andrew Stewart, Isaac Mason and James Sprouce.

For the county of Montgomery—James Reasons, Wm. Trotter, Isaac Dennison, J. P. Bellomy and Armstead Rogers.

For the county of Wilson—George Smith, George Williamson, Joseph Kirkpatrick, Paulding Anderson and Wm. Williams.

For the county of Henderson—John Purdy, Nicholas H. Darnal, Eli Teague, Samuel Read and Samuel Carson.

For the county of Weakley—John M. Shulty, William Ridgeway, James H. Drew, Robert R. Gilbert and Winfield Pope.

For the county of Obion—Wm. W. Watson, Wm. Maxwell, Francis Taylor, Henry S. P. Westbrook and Norton Oaks.

For the county of Carroll—Thomas Hamilton, Shadrick Fluallen, Stephen Eason, Levi S. Wood and John Killough.

For the county of Gibson—John Drury, John H. Rains, John C. Gillespie, Stephen Williams and Benjamin P. Tyson.

For the county of Dyer—Edwin A. McKorkle, John P. Byrne, Alexander McCullock, Sen., Daniel E. Parker and James Miller.

For the county of Madison—James S. Lyon, D. H. E. Saunders, Gayle Kyle, John G. Chalmers and Henry Marsh.

For the county of Haywood—Jesse Embry, Robert Pickens, Ebenezer Young, Lewis Green and Wm. Conner.

For the county of Tipton—Nathaniel Hunt, James N. Smith, John Polk, John McKee and Thomas Robinson.

For the county of Lauderdale—James Whitson, Isaac M. Steele, Benjamin Porter, D. P. Philips and Givens.

For the county of Hardeman—Elihu C. Crisp, Thomas Shaw, Ichabod C. Hensely, Daniel Cutberth and Josiah Hatley.

For the county of Fayette—Edmund W. Tipton, Daniel Johnson, Richard B. Jarman, William Garrant and John Gooloe.

For the county of Shelby—John D. Graham, John Ralston, Charles J. Nelson, John D. White and Benjamin Boothe.

For the county of Benton—Ephraim Perkins, Amos Bruce, Abel Rushing, David Farmer and Green Flowers.

For the county of Perry—William Welch, John Easley, William Right, Basdel Brown and Paul H. Neely.

For the county of McNairy—Thomas H. Bell, Daniel Barnhill, James Sanders, Barbara Pitts and Wade Shelby.

For the county of Hardin—Wm. B. Carter, Jesse Cherry, James Barnes, Jesse B. Gant and John C. Rea.

The foregoing resolution was, on motion of Mr. speaker Webster, (then on the floor,) ordered to the table.

A bill giving Julius Dugger the further time of two years to build a bridge across Watauga river, was read a third time and passed.

A bill from the House of Representatives to incorporate the trustees of the Pleasant Grove Academy in Maury county, was read a first time and passed.

Mr. Armstrong introduced a bill to incorporate the inhabitants of the town of Livingston, in the county of Overton; which was read a first time and passed.

A bill to establish the county of Webster, was, on motion of Mr. Ledbetter, taken up and read. And the vote adopting the amendments thereto on Friday last, re-considered, upon the several motions of Mr. speaker Webster and Mr. Ledbetter.

The bill was thereupon read a third time, and the question, Shall the bill pass? being had, it was determined in the affirmative—ayes 19, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Powell, Reagan, Robertson, Totten and Vernon—19.

The negative is, Mr. Morford—1.

The report of the committee on finance, was, on motion of Mr. Gray, taken up. Mr. Gray moved an order to print one thousand copies thereof for the

use of the Senate, and thereupon the question was had and determined in the negative—ayes 9, noes 10.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Hynds, the affirmative voters are,

Mr. Brown, Childress, Gordon, Gray, Henderson, Johnson, Moore, Reagan and Totten—9.

The negative voters are,

Mr. Armstrong, Graves, Hynds, Ledbetter, McGaughey, Morford, Powell, Robertson, Rogers and Vernon—10.

Mr. Ledbetter thereupon moved a reconsideration, which motion prevailing, it was thereupon ordered that one thousand copies of the said report be printed for the use of the Senate.

The bill reported by the committee on Finance, to establish a comptroller's department, and to prescribe the duties of said officer, and the bill to establish a treasury department, and to prescribe the duties of the treasurer, were severally read a first time and passed, and on motion of Mr. Cahal, one hundred copies thereof ordered to be printed for the use of the Senate and for the House of Representatives.

Mr. Henderson introduced a bill for the relief of Jailors, which was read a first time and passed.

A bill to establish the county of Vernon, was read a third time, and the question, shall the bill pass? being had, it was determined in the affirmative —ayes 21.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Powell, Reagan, Robertson, Rogers, Totten and Vernon—21.

A bill to amend an act to appoint suitable persons to open and keep in repair, that part of the road leading from South West Point to Carthage, which lies on Cumberland mountain, passed 15th November, 1815, was read a second time and passed.

And then the Senate adjourned.

TUESDAY, DECEMBER 8th, 1835.

Mr. Powell presented memorials of the citizens of Columbia and Charleston, South Carolina, upon the subject of the contemplated rail road from Cincinnati Ohio, to Charleston South Carolina, which was referred to the committee on internal improvement.

Mr. Craighead submitted the following:

Resolved, That the judiciary committee be instructed to amend the bill to establish a chancery court, by inserting the following as the districts and the places of holding the courts in the different divisions of the State, to wit:

The counties of Carter, Washington and Greene to compose the first chancery district. The court to be holden at Greenville.

The counties of Sullivan, Hawkins, Grainger and Claiborne, to compose the 2nd district, and the court to set at Rogersville.

The counties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Campbell and Morgan, shall compose the 3rd chancery district; the court to set at Knoxville.

The counties of Roane, Rhea, Hamilton, Bledsoe, Marion, McMinn and Monroe, shall compose the 4th district; the court to be held at Athens.

FOR MIDDLE DIVISION.

The counties of Franklin and Warren shall compose the 1st district, and the court shall be held at McMinnville.

The counties of Smith, Sumner and Robertson, shall compose the 2nd district, and the court shall be held at Gallatin.

The counties of Wilson, Rutherford and Bedford, shall compose the 3rd district, and the court shall be held at Murfreesboro.

The counties of Lincoln, Giles and Lawrence, shall compose the 4th district, and the court shall be held at Pulaski.

The counties of Humphreys, Dickson, Stewart and Montgomery, shall compose the 5th district, and the court shall be held at Charlotte.

The counties of Maury, Williamson, Hickman and Davidson, shall compose the 6th district, and the court shall be held at Franklin; and the rule being suspended, said resolution was referred to the committee of the whole.

On motion of Mr. Craighead, the Senate thereupon resolved themselves into committee of the whole, Mr. McGaughey in the chair, upon the foregoing resolution, and after some time spent in the consideration thereof, the committee rose, and the chairman reported that the committee had instructed him to recommend the striking out the word "Charlotte" for the purpose of inserting the word "Clarksville," and with that amendment to recommend the adoption of the resolution.

On motion of Mr. Ledbetter, the said report and resolution were ordered to the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. speaker: The House of Representatives have taken up on its last reading, a bill from the Senate to appoint additional commissioners to Robert Jetton's toll bridge and turnpike road across Sandy River and bottom; and a bill vesting the county court of each county, with discretionary power to have the minutes and other records of the court transcribed into a well bound book, where the same has not heretofore been done, and propose several amendments thereto, herewith transmitted, and ask the concurrence of the Senate therewith. Said several amendments were read and concurred with.

The House of Representatives concur with the several amendments proposed by the Senate, to the bill to reorganize the county courts in this State, except the proposition to insert the word "March" in the 5th section, which the House disagree to and propose to insert the word "May."

The House also propose to insert the words "and two constables," after the words "thirty-seven," in the 9th section of the bill.

The Senate non-concurred with the proposition from the House.

The speaker of the House of Representatives did this day sign an enrolled act, to revive an act to incorporate the Gallatin turnpike company. And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled act, and ordered it to be deposited in the office of Secretary of State.

On motion of Mr. Craighead, the report of the committee of the whole, on the resolution directory to the committee on the judiciary, was taken up read and concurred with.

Mr. McGaughey offered the following as an amendment to the resolution, (to wit:)

"Carter, Washington, Greene and Cocke, shall compose the 1st chancery district, provided, however, that the citizens of Cocke county shall have the privilege of filing their bills either in the chancery court at Greenville or Knoxville, as they may think proper; and provided, that when a bill is filed against any person or persons who may reside in Cocke county, it shall be lawful to file said bill either in the chancery court held at Greenville, or at Knoxville, as the complainant may think proper; and it shall and may be lawful for either court to exercise jurisdiction accordingly; which amendment was accepted—ayes 12, noes 9.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Trousdale, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Henderson, Hynds, Ledbetter, McGaughey, Moore, Morford, Totten and Vernon—12.

The negative voters are,

Mr. Gordon, Graves, Gray, Johnson, Powell, Reagan, Robertson, Rogers and Trousdale—9.

Mr. Johnson offered the following as a further amendment to said resolution, (to wit:)

"Provided, that the citizens of the county of Robertson shall have their election to file their bills, either in the court to be held at Clarksville or Gallatin." Which amendment was also accepted.

The said resolution was thereupon read as amended and adopted.

Mr. Trousdale submitted the following:

Resolved, That the judiciary committee be and they are hereby instructed to report a bill, vesting all equity jurisdiction in the circuit courts of this State.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 9th, 1835.

Mr. Morford presented the return of the clerk of the circuit court of Warren county, shewing the amount of state tax by him collected for the years 1833 and 1834, and paid over to the treasurer of Middle Tennessee. Which was referred to the committee on finance.

Mr Robertson introduced a bill to repeal part of an act passed at Nash-

ville, on the 11th of November, 1833, chapter 96, entitled an act to extend the corporation of the town of Bolivar in Hardeman county, which was read a first time and passed.

Mr. Vernon, from the committee on new counties and county lines, reported a bill to establish the county of Johnson, on the east of Carter county; and a bill to establish a new county south of Hiwassee river, by the name of

both of which were severally read a first time and passed.

Mr. Craighead, from the committee on the judiciary, to which was recommitted the bill to establish a separate chancery court, reported, that the committee have again had the same under consideration, and had made the amendments directed.

The said bill being read, Mr. Rogers offered the following amendment thereto, (to wit:)

"The counties of Hawkins, Grainger, Claiborne and Campbell, shall compose the second chancery district, and the court shall be held at Tazewell," and the question will the Senate adopt the amendment? being had, it was determined in the negative—ayes 5, noes 17.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Hynds, the affirmative voters are,

Mr. Armstrong, Gray, Henderson, Reagan and Rogers—5.

The negative voters are,

Mr. Cahal, Childress, Craighead, Gordon, Graves, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Robertson, Totten, Trousdale and Vernon—17.

Mr. Totten moved a reconsideration of so much of the report of the committee of the whole, as provides for the holding of the chancery court at Greenville, which motion prevailing, Mr. Powell moved to strike out the word "Greenville," for the purpose of inserting "Jonesboro;" and the question thereon being had, it was determined in the affirmative—ayes 13, noes 9.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Graves, Gray, Henderson, Johnson, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers and Trousdale—13.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighcad, Hynds, Ledbetter, McGaughey, Totten and Vernon—9.

Mr. Graves offered the following in lieu of the 1st, 2nd, 3rd, and 4th sections of the bill, (to wit:)

Be it enacted by the General Assembly of the State of Tennessee, That there shall be elected by the General Assembly, one chancellor, who shall hold the courts at the times and places herein designated, who shall have the same powers, privileges and jurisdiction in all cases that the chancellors now have by the existing laws.

2nd. This State shall be laid off into three chancery districts, and one chancellor shall be appointed by the State, who shall have the qualifications required by the constitution, be commissioned by the Governor, and take the necessary oaths required by the constitution and laws of the State, to be

taken by the judges and chancellors of this State; and shall hold his office for eight years from the date of his commission.

Sec. 3rd. That the counties of Carter, Sullivan, Washington, Greene, Hawkins, Cocke, Sevier, Jefferson, Grainger, Claiborne, Campbell, Knox, Anderson, Blount, Roane, Morgan, Monroe, McMinn, Rhea, Bledsoe, Marion and Hamilton, shall compose the first chancery district.

The counties of Franklin, Warren, Fentress, Jackson, White, Overton, Smith, Sumner, Wilson, Rutherford, Bedford, Lincoln, Giles, Lawrence, Maury, Hickman, Williamson, Robertson, Montgomery, Stewart, East Humphreys, Wayne, Hardin, McNairy and Davidson, shall compose the second district.

The counties of Henderson, Perry, and that part of Humphreys lying west of Tennesse river, Hardeman, Fayette, Shelby, Madison, Haywood, Tipton, Lauderdale, Carroll, Gibson, Dyer, Henry, Weakley and Obion, shall compose the third chancery district.

The chancery court for the first district shall be held at Knoxville, on the 1st Mondays of January and July. The chancery court for the 2nd district shall be held at Nashville, on the 1st Mondays of March and September. The chancery court for the 3rd district shall be held at on the 1st Mondays of May and November; and each of said courts shall sit until the business thereof shall be despatched, unless the judge shall sooner be compelled to leave the court in order to arrive in time at the next succeeding court—and may adjourn and meet again from time to time if necessary. And the question, will the Senate adopt the amendment? being had, it was determined in the negative—ayes 3, noes 20.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Cahal, the affirmative voters are,

Mr. Cahal, Graves and Trousdale—3.

The negative voters are,

Mr. Brown, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—20.

Mr. Gray moved to strike from said bill the word "Clarksville," for the purpose of inserting the word "Charlotte," and thereupon the question was had and determined in the negative—ayes 9, noes 14.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Robertson, the affirmative voters are,

Mr. Childress, Gordon, Graves, Gray, Hynds, Love, Powell, Robertson and Rogers—9.

The negative voters are,

Mr. Brown, Cahal, Craighead, Henderson, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Reagan, Totten, Trousdale and Vernon —14.

Mr. McGaughey moved to strike from said bill the words "three chancellors," for the purpose of inserting the words "two chancellors," and thereupon the question was had and determined in the affirmative—ayes 17, noes 6.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Graves, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Motley, Powell, Reagan, Rogers, Totten and Vernon—17.

The negative voters are,

Mr. Henderson, Johnson, Moore, Morford, Robertson and Trousdale—6.

Mr. Motley offered the following amendment to the said bill, (to wit:)

"That the counties of Wilson and Smith shall compose one district, and the court shall set at Lebanon." and the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Gray, thereupon offered the following amendment, (to wit:)

"The counties of Smith and Sumner shall compose the second district, and the court shall be held at Gallatin.

The counties of Dickson, Stewart and Humphreys, shall compose the 5th district, and the court shall be held at Charlotte.

The counties of Robertson and Montgomery shall compose the 7th district, and the court shall sit at Clarksville." And the question, will the Senate adopt the amendment? being thereon had, it was determined in the negative —ayes 5, noes 18.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Robertson, the affirmative voters are,

Mr. Armstrong, Gordon, Gray, Hynds and Totten—5.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Graves, Henderson, Johnson, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—18.

Mr. Cahal thereupon offered the following amendment, (to wit:)

"The counties of Davidson, Rutherford and Williamson, shall compose the district, and the court shall be held at Franklin.

The counties of Bedford, Maury and Hickman, shall compose the district, and the court shall be held at Columbia.

The counties of Smith, Wilson, Sumner and Robertson, shall compose the district, and the court shall sit at Gallatin." And the sense of the Senate being thereon had, the said amendment was rejected.

The said bill was thereupon read as amended, a second time, and the question shall the bill pass? being had, it was determined in the affirmative —ayes 15, noes 9.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Brown, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Love, McGaughey, Moore, Powell, Robertson and Totten —15.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Ledbetter, Motley, Reagan, Rogers and Trousdale—9. And so said bill passed its second reading.

Mr. Hynds introduced a bill concerning divorces, and to regulate the pro-

ceedings in suits which may hereafter be brought in this State, in such cases; which was read a first time and passed.

Mr. Powell introduced a bill incorporating the Cincinnati and Charleston rail road company; which was referred on his motion to the committee on internal improvement.

On motion of Mr. Trousdale, the resolution appointing commissioners to lay off the several counties in this State, into districts of convenient size for the election of justices of the peace and constables, was taken up and read.

Mr. Speaker moved the appointment of Wm. D. Orr, John T. Neil, John L. Neil, James H. Lyle and William Murphy, commissioners for the county of Bedford, which motion prevailed. The resolution was thereupon read and adopted.

A bill to incorporate the Lagrange and Memphis rail road company was read a second time and passed.

Mr. Ledbetter, from the committee of enrollments, reported as correctly enrolled, an act appointing additional commissioners to Robert Jetton's toll bridge and turnpike road across Sandy river and bottom. Said act was signed by the speaker, and ordered to be transmitted to the House of Representatives.

A bill from the House of Representatives to repeal an act passed November 24th, 1817, entitled an act for the benefit of Joseph A. Montgomery, was read a first time and passed.

Mr. Craighead, from the joint select committee of conference, on the Senate's amendment to the bill concerning the rents and profits of school lands, reported, that the committee have had the matter to them referred, under consideration, and that the committee had agreed to the following amendment, to wit: in the 5th line of the third section, after the word "had," insert the following:

"The actual possession, by herself or agent, or those acting as such; provided, that nothing in this act shall be so construed as to extend to those school commissioners or those acting under them, where there have been settlements made for rents and profits heretofore, for said school lands." And the question of concurrence being thereon had, it was determined in the affirmative—ayes 13, noes 9.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Motley, the affirmative voters are,

Mr. speaker Webster, Armstrong, Craighead, Henderson, Hynds, Johnson, Love, Moore, Powell, Reagan, Totten, Trousdale and Vernon—13.

The negative voters are,

Mr. Childress, Gordon, Graves, Gray, Ledbetter, McGaughey, Motley, Robertson and Rogers—9.

A bill to incorporate the inhabitants of the town of Livingston, in the county of Overton, was read a second time and passed.

Mr. Craighead, from the committee on the judiciary, reported a bill to establish circuit courts, which was read a first time and passed.

And then the Senate adjourned.

THURSDAY, DECEMBER 10th, 1835.

Mr. Hynds presented the petition of John Brabson, executor of Abraham McClairy, deceased, praying the passage of a law for the benefit of the heirs of said deceased; which was on his motion referred to the committee on land claims.

Mr. Moore presented the memorial of the commissioners of the Tennessee canal company, on the subject of said canal; which was referred to the committee on internal improvement.

Mr. Totten, from the committee on land claims, to whom was referred, a bill to authorise the clerks of the courts of record in this State, to take the probate or acknowledgement of assignment of platts and certificates of survey and locations; and a bill giving the further time of two years for making surveys and obtaining grants, on entries made under the act of 1819, chapter 1, and the acts subsequent thereto, reported, that the committee have had the same under consideration, and had instructed him to report amendments thereto, in lieu of the whole bills, from their enacting clauses. Said report was read and concurred with, and the bills as amended, severally read a second time and passed.

Mr. Craighead, from the committee on the judiciary, reported, that the committee have had under consideration, a bill to authorise the registration of grants emanating from the State of Kentucky, for land between Walker's line and Matthews' line, as provided for in the compact of 1820, between the two States, think the provisions thereof reasonable, and had instructed him to recommend its passage. Said report was concurred with, the bill read a second time and passed.

Mr. Craighead, from the same, to whom was referred a bill to extend the jurisdiction of justices of the peace to five hundred dollars, and a bill regulating the practice in chancery, reported, that the committee have had the same under consideration, think the provisions thereof unreasonable, and had instructed him to recommend their rejection. Said report was concurred with.

Mr. Gordon submitted the following:

Resolved, That the Secretary of State furnish the Senate with a statement of the amount of the several kinds of land claims filed for adjudication, under the acts of 1829 and 1831; the amount of each adjudicated and found valid, the amount invalid, and the amount of each remaining unadjudicated.

Mr. Ledbetter, from the committee on enrollments, reported as correctly enrolled, an act vesting the county courts of each county with discretionary power to have the minutes and other records of the court, transcribed into a well bound book, where the same has not heretofore been done; and an act to provide for the laying off the several counties in this State, into districts of convenient size within which justices of the peace and constables shall be elected; both of which were signed by the speaker, and ordered to be transmitted to the House of Representatives.

The bill to establish circuit courts was taken up and read,

Mr. Craighead moved to strike from the first section that part thereof which provides for the holding of three terms yearly, for the purpose of inserting a provision for two terms only; and thereupon the question was had and determined in the negative—ayes 6, noes 17.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Love, the affirmative voters are,

Mr. Craighead, Graves, Hynds, Ledbetter, Love, McGaughey and Morford—6.

The negative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Gray, Johnson, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—17.

Mr. Childress offered the following rules as an amendment to the said 1st section of the bill, to wit:

Rule 1st. All process shall be made returnable to the next succeeding term, or any intermediate rule day, at election of the party praying the same, except in cases of subpoenas for witnesses, which shall be [returned] to the term or day the cause is set for trial. But where any writ has been issued less than five days before the setting of the court, it shall be returnable to the court next after the first, or some intermediate rule day between the two succeeding terms, at the election of the party.

Rule 2nd. Rules shall be held in the clerk's office on the first Monday after the adjournment of the court, and on the first Monday in each month thereafter; and the clerks of the different circuit courts shall keep a book in which shall be entered such rule or order, which can be taken or made by the clerk at such rule day, or in vacation; which rules and orders shall constitute a part of the record of the cause, but may be subject to revision, alteration or amendment by the court.

Rule 3rd. In all cases where the declaration is not filed with the writ as herein provided, the plaintiff shall file his declaration in the clerk's office at or by the second rule day after the process is returned executed; or the defendant may then enter a rule for the plaintiff to declare, and if he shall fail to do so at the next succeeding rule day, or shall at any time fail to prosecute his suit, he shall be non-suited, and pay to the defendant his costs, but such non-suit may be set aside by the court at the first term, on sufficient cause being shewn, supported by affidavit and payment of all costs.

Rule 4th. At rule day when the plaintiff has filed his declaration, he may give a rule to plead, and if the defendant shall not plead accordingly at the expiration of said rule, the plaintiff may cause judgment to be entered against him by default, but the clerk shall have power to extend the time of pleading, upon application of either party and cause shewn.

Rule 5th. All rules to declare, plead, reply, rejoin, or for other proceedings in the office shall be entered by the clerk in his book, and shall expire on the rule day succeeding that upon which the rule was given.

Rule 6th. All writs of capias adrespondendum issuing returnable to any rule day, which shall be held previous to the setting of the court, and which shall be accompanied with a declaration shewing the cause of action if returned executed and a copy of the declaration served upon the defendant,

the cause shall stand for trial at the first term, and if the pleadings are not made up on or before the first day of the term, the court may on that day fix the time when the pleadings are to be closed or judgment entered.

Rule 7th. Judgments by default for want of appearance, or plea, non-suits or dismissions, obtained in the office and not set aside on the third day of the succeeding term, shall be confirmed by the court on that day or some succeeding day, and judgments entered accordingly, which judgments shall be entered by the clerk without the intervention of a jury, unless in cases where damages are uncertain; in which last case, a jury shall be empannelled to ascertain the damages instanter.

Rule 8th. All pleas to the jurisdiction and in abatement, where process has been served upon the person of the defendant, shall be filed on the day to which the writ is returnable, and not after.

Rule 9th. The clerk shall keep a trial docket as heretofore, upon which he shall put down all the causes at issue, and in which judgments by default or non-suit are taken, and shall transfer the other during the term as he may be directed by the court.

Rule 10th. All non-suits and judgments by default taken in vacation, may be set aside by the court at its first term on sufficient cause being shewn.

Rule 11th. In all actions upon simple contract founded upon any writing purporting to be signed by the defendant, he shall be at liberty to plead the general issue without swearing to the truth thereof, but if such plea is not accompanied with an affidavit of the truth thereof, or an affidavit denying the execution of the writing, declared on the execution of the instrument by the defendant, shall be taken and considered as admitted.

Rule 12th. When a demurrer is judged insufficient, and an enquiry of damages is awarded, after the defendant has been personally served with process, the enquiry shall be executed at the same term at which it was awarded unless good cause be shewn for a continuance. And in all cases where a judgment respondeat ouster is awarded, the pleadings shall be made up and the cause tried at the same term when the demurrer to the plea in abatement is determined, unless good cause be shewn for a continuance.

Rule 13th. In all actions of ejectment that tenants in possession, upon whom notices may have been served, may apply to the clerk at a rule day, and enter into the common rule and plead not guilty, and either party may procure from the clerk an order of survey in vacation; and the question, will the Senate accept the amendment? being had, it was determined in the negative—ayes 10, noes 14.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Graves, the affirmative voters are,

Mr. Brown, Childress, Graves, Gray, Ledbetter, Moore, Morford, Reagan, Robertson and Vernon—10.

The negative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Craighead, Gordon, Hynds, Johnson, Love, McGaughey, Motley, Powell, Rogers, Totten and Trousdale—14.

On motion of Mr. Trousdale the 19th section of the bill was stricken out.

Mr. Cahal moved to strike out so much of the 23rd section of said bill as provides, that the county court shall have power to enter up judgments upon voluntary confessions; and thereupon the question was had and determined in the negative—ayes 10, noes 11.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Graves, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Childress, Craighead, Gordon, Hynds, Johnson, Moore and Totten—10.

The negative voters are,

Mr. Graves, Gray, Ledbetter, McGaughey, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—11.

Mr. Cahal moved to strike from said bill the 24th section thereof, which motion prevailed.

Mr. Trousdale moved to strike therefrom the 25th section thereof, and the question thereon being had, it was determined in the negative—ayes 9, noes 13.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Rogers, the affirmative voters are,

Mr. Gordon, Graves, Johnson, Moore, Powell, Robertson, Rogers, Totten and Trousdale—9.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gray, Hynds, Ledbetter, Love, McGaughey, Motley, Reagan and Vernon—13

Mr. Moore offered the following in lieu of the 31st section of the bill, to wit:

"That if the clerk shall be incapable to discharge the duties of his office, he may be removed on motion by the presiding Judge of the court." And thereupon the question was had and determined in the negative—ayes 5, noes 17.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Trousdale, the affirmative voters are,

Mr. Speaker Webster, Craighead, Graves, Gray and Moore—5.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Gordon, Hynds, Johnson, Ledbetter, McGaughey, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—17.

Mr. Powell thereupon moved to strike from said bill the 31st section thereof.

Mr. Gray moved to strike from said section the words "first term" for the purpose of inserting the words "second term," which motion was rejected.

Mr. Hynds moved to insert the words, "or any subsequent term" after the word "first" in said section, which motion prevailed.

The question then recurred upon the motion of Mr. Powell, to strike out the said 31st section, and being thereon had, it was determined in the negative—ayes 10, noes 12.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Trousdale, the affirmative voters are,

Mr. Armstrong, Graves, Gray, Moore, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—10.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Hynds, Johnson, Ledbetter, McGaughey, Motley and Totten—12.

Mr. Childress offered the following proviso, as an amendment to the 36th section of the said bill, to wit:

"Provided, that in all cases where the writ or other process shall have been executed ten days previous to the first of the term to which the same may be returnable, such cause shall stand for trial at said return term." And the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Powell offered the following amendment to the 23rd section of the bill, to wit:

"And the county court shall have power to issue execution on all judgments so confessed as aforesaid."

In lieu of which Mr. Graves offered the following, to wit:

"That where a judgment is obtained in any county court in the State by confession, that execution shall issue and the officer shall proceed to make collection, and pay over the money so collected agreeably to the laws now in force." Which amendment was accepted in lieu, and adopted as a part of said bill.

And then the Senate adjourned.

FRIDAY, DECEMBER 11th, 1835.

Mr. Childress presented the petition of sundry citizens of the town of Franklin, praying the General Assembly to grant to the corporation of said town of Franklin, a Mayor's court; which was read and referred to the committee on the judiciary.

Mr. Johnson introduced (with a memorial) "a bill to authorise the stock holders of the Planters Bank, to establish a branch at Clarksville," which was read a first time, passed, and referred to the committee on banks.

Mr. Moore, from the committee on privileges and elections, submitted the following:

Resolved, That the committee on privileges and elections, be instructed to report a bill making it the duty of the sheriffs, or coroners, (as the case may be) to appoint returning officers for the several precincts of their respective counties, whose duty it shall be to hold the several elections hereafter to be held in this State.

Mr. Cahal submitted the following:

Resolved, That the Speaker of the Senate is hereby authorised to draw a warrant on the Treasurer of West Tennessee, in favor of W. Hasell Hunt & Co. for the sum of six hundred dollars for job printing for the

Senate. And the rule requiring resolutions to lie one day on the table being suspended,

Mr. Craighead offered the following, in lieu of the foregoing, to wit:

"*Resolved*, That the State of Tennessee is indebted to W. Hazell Hunt & Co., the sum of six hundred dollars for job printing executed for the Senate. And thereupon the question was had and determined in the negative—ayes 10, noes 12.

The ayes and noes being demanded by Mr. Totten, seconded by Mr. Johnson, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Craighead, Hynds, Johnson, Love, Morford, Motley and Powell—10.

The negative voters are,

Mr. Cahal, Childress, Graves, Gray, Ledbetter, McGaughey, Moore, Reagan, Rogers, Totten, Trousdale and Vernon—12.

The question then recurred upon the adoption of Mr. Cahal's resolution, and being thereon had, it was determined in the affirmative—ayes 13, noes 10.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Craighead, Graves, Gray, Hynds, Johnson, Moore, Morford, Motley, Totten and Trousdale—13.

The negative voters are,

Mr. Brown, Childress, Gordon, Ledbetter, Love, McGaughey, Powell, Reagan, Rogers and Vernon—10. And so said resolution was adopted.

A message from the House of Representatives by Mr. Mitchell their clerk, proposing a committee of conference on their amendments to the bill to re-organise the county courts of this State.

The said proposition was agreed to by the Senate, and the Speaker appointed Mr. Craighead, Gordon and Childress, to be of said committee on the part of the Senate.

Mr. Powell moved to take up the bill to establish the county of Johnson, and the question being had, the said motion was rejected—ayes 9, noes 14.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Totten, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Johnson, Love, Powell, Robertson and Rogers—9.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Hynds, Ledbetter, McGaughey, Moore, Motley, Reagan, Totten, Trousdale and Vernon—14.

The Senate resumed the consideration of the bill to establish circuit courts.

Mr. Ledbetter moved to strike therefrom that part thereof providing for eleven Judicial circuits.

Mr. Hynds moved the reference of the bill to a select committee, to be composed of one from each judicial circuit.

Mr. Rogers moved to lay the bill, with the proposition to amend, on the table, which motion prevailed.

A message from the House of Representatives by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have adopted a resolution appointing commissioners to lay off the several counties in this State, into districts of convenient size, within which justices of the peace and constables shall be elected, in which they ask the concurrence of the Senate; and then he withdrew.

Whereupon the said resolution was read, and undergoing several amendments, it was ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Received from his Excellency, the Governor, the following message, by Luke Lea, jr. Esq., Secretary of State.

EXECUTIVE OFFICE, NASHVILLE, December 10th, 1835.

Gentlemen of the Senate, and of the House of Representatives:

Since I had the honor of submitting to your attention, the communication from the Chief Justice of our State, relating to the case of James Foreman, which had been decided in the Supreme Court of Tennessee, and an appeal taken to the Supreme Court of the United States, &c. I have been presented with the accompanying citation in the same case, the service of which has been acknowledged, and is most respectfully submitted to your consideration.

N. CANNON.

Mr. Hynds moved the reference of the foregoing message to the committee on the judiciary, which motion prevailed.

A bill from the House of Representatives providing for the division of Humphreys county, and to lay off the county of Benton, was read a first time and passed.

A bill to establish the county of Johnson on the east of Carter county; and a bill to repeal part of an act passed at Nashville, on the 11th day of November, 1833, chapter 96, entitled an act to extend the corporation of the town of Bolivar, in Hardeman county, were severally read a second time and passed.

Mr. Graves introduced a bill to amend an act passed November the 8th, 1833, entitled an act to extend the laws and jurisdiction of this State to her southern limits, which was read a first time and passed.

Mr. Vernon submitted the following:

Resolved, That the committee on Education, be instructed to inquire into the propriety of making an equal distribution of all the interest arising on school funds in this State, agreeable to the provisions of the 18th article, 10th section of the constitution of the State of Tennessee; and that they report by bill or otherwise.

And then the Senate adjourned.

SATURDAY, DECEMBER 12th, 1835.

Mr. Vernon, from the committee on new counties and county lines, reported a bill to establish the county of Powell, in honor of Samuel Powell, one of the judges of the circuit courts of this State; which was read a first time and passed.

The bill giving the further time of two years for making surveys and obtaining grants on entries made under the act of 1819, chapter 1, and the acts subsequent thereto, was read a third time, amended, on motion of Mr. Totten and passed—ayes 23, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—23.

The negative voter is Mr. Trousdale—1.

The bill to establish separate chancery courts was read a third time.

Mr. Johnson offered an amendment thereto in lieu of the whole, from the enacting clause.

Mr. Trousdale moved to amend the said amendment, by providing that the county of Smith shall compose a chancery district, and the court to be held at Carthage; and thereupon the question was had and determined in the negative—ayes 9, noes 16.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Totten, the affirmative voters are,

Mr. Cahal, Ledbetter, McGaughey, Moore, Morford, Reagan, Rogers, Trousdale and Vernon—9.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Love, Motley, Powell, Robertson and Totten—16.

Mr. McGaughey moved to amend the said amendment by providing that the county of Hawkins shall compose a district, and the court to be held at Rogersville; and thereupon the question was had and determined in the negative—ayes 8, noes 15.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Reagan, the affirmative voters are,

Mr. Cahal, Hynds, McGaughey, Moore, Reagan, Rogers, Trousdale and Vernon—8.

The negative voters are,

Mr. Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Love, Motley, Powell, Robertson and Totten—15.

Mr. Rogers moved to add the county of Grainger to the district composed of the counties of Claiborne, Campbell, Anderson and Morgan.

Mr. Hynds moved to add the counties of Jefferson, Cocke and Sevier, to the Knoxville district.

Mr. Graves moved to attach the counties of Anderson and Morgan to the Knoxville district.

Mr. Craighead moved to add the county of Davidson to the district composed of the county of Williamson.

All of which motions were severally put and carried in the affirmative.

Mr. McGaughey moved to strike from said amendment the words "three chancellors," for the purpose of inserting the words "two chancellors," and thereupon the question was had and determined in the negative—ayes 9, noes 16.

The ayes and noes being demanded by Mr McGaughey, seconded by Mr. Graves, the affirmative voters are,

Mr. Armstrong, Graves, Hynds, McGaughey, Powell, Reagan, Rogers, Trousdale and Vernon—9.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Love, Moore, Morford, Motley, Robertson and Totten—16.

The question then recurred upon the amendment in lieu of the whole and being thereon had, it was determined in the affirmative—ayes 17, noes 8.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Cahal, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell and Totten—17.

The negative voters are,

Mr. Graves, Hynds, McGaughey, Reagan, Robertson, Rogers, Trousdale and Vernon—8

The question then recurred upon the passage of the bill, and being thereon had it was determined in the affirmative—ayes 15, noes 10.

The ayes and noes being required by the constitution the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Love, Moore, Morford, Motley, Powell, Robertson and Totten—15.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Hynds, Ledbetter, McGaughey, Reagan, Rogers, Trousdale and Vernon—10.

And so said bill passed its third reading and was ordered to be transmitted.

A bill to repeal part of an act passed at Nashville on the 11th of November, 1833, chapter 96, entitled an act to extend the corporation of the town of Bolivar in Hardeman county, was read a third time, passed, and ordered to be transmitted.

And then the Senate adjourned.

MONDAY, DECEMBER 14th, 1835.

Mr. Ledbetter moved an order that four hundred copies of the act providing for the laying off the several counties in this State into districts of convenient size, within which justices of the peace and constables shall be elected, be printed for the use of the General Assembly.

Mr. Powell moved an amendment to said motion providing that four hundred copies of the resolution appointing commissioners to lay off the counties according to the provisions of the said act, be also printed, which amendment was accepted; the sense of the Senate was then had upon the motion of Mr. Ledbetter, as amended and carried.

Mr. Totten introduced a bill to appoint additional commissioners for the town of Huntingdon in the county of Carroll; and a bill to incorporate the town of Dyersburgh in the county of Dyer; which were severally read a first time and passed.

The resolution heretofore submitted by Mr. Vernon, directory to the committee on education and common schools, in relation to the equal distribution of the interest of the school fund, was taken up read and adopted.

Mr. Gordon's resolution directory to the Secretary of State, in relation to land claims filed for adjudication under the acts of 1829 and 1831, was taken up read and amended on motion of Mr. Gray, by inserting the year 1832, and adopted.

Mr. McGaughey's resolution directing the committee on privileges and elections to report a bill, establishing the district mode of electing electors to vote for President and Vice President of the United States, was taken up read and after some discussion thereon, Mr. Totten moved to lay it upon the table, and the question thereon being had it was determined in the negative —ayes 9, noes 13.

The ayes and noes being demanded by Mr. Reagan, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Speaker Webster, Cahal, Hynds, Ledbetter, Love, Powell, Robertson, Rogers and Totten—9.

The negative voters are,

Mr. Brown, Childress, Craighead, Gordon, Graves, Gray, Johnson, McGaughey, Moore, Motley, Reagan, Trousdale and Vernon—13.

The question then recurred upon the adoption of the said resolution, and being thereon had it was determined in the negative—ayes 11, noes 11.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Craighead, Gordon, Graves, Johnson, Love, McGaughey, Moore, Reagan, Totten, Trousdale and Vernon—11.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Gray, Hynds, Ledbetter, Motley, Powell, Robertson and Rogers—11.

The resolution heretofore submitted by Mr. Moore, directory to the committee on priyileges and elections, was read and rejected.

A bill providing for the division of Humphreys county, and to lay off the county of Benton, was read a second time and passed.

Mr. Cahal withdrew for amendment, a bill to incorporate the trustees of the Pleasant Grove academy in Maury county.

A bill to amend an act passed November the 8th, 1833, entitled an act to extend the laws and jurisdiction of this State to her southern limits, was referred on motion of Mr. Graves, to the committee on Indian affairs.

Mr. Love returned without amendment, a bill to provide for the election of county surveyors and entry takers for the several counties in this State, which was on his motion referred to the committee on public lands.

Mr. Morford notified the Senate that he would on to-morrow, introduce a bill providing for the district mode of choosing electors, to vote for President and Vice President of the United States.

Mr. Powell presented the petition of sundry citizens of Washington county, praying the passage of a law for the benefit of John Little, which was referred to the committee on propositions and grievances.

A bill to establish the county of Johnson being read, Mr. Powell offered the following as an amendment to the first section thereof, to wit:

Provided, that if the line where it strikes the Watauga river opposite the fish spring, should be nearer than ten miles of Elizabethton, that then the line shall run from the iron mountains along the dividing ridge between Vanhupas and Julius Duggers, until it strikes the Watauga river, thence to the highest point of land dividing the waters of Elk and Doe rivers, to intersect the line mentioned in this act; and the sense of the Senate being thereon had, the said amendment was accepted.

The question then recurred upon the passage of the bill, and being thereupon had, it was determined in the affirmative—ayes 20.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Childress, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers and Vernon—20.

And so said bill passed its third reading and was ordered to be transmitted.

Mr. Ledbetter, from the committee on enrollments, reported as correctly enrolled, an act to incorporate the Ashport turnpike company. Said act was signed by the speaker, and ordered to be transmitted to the House of Representatives.

A bill to incorporate the Lagrange and Memphis rail road company, being read,

Mr. Robertson offered the following amendment thereto, to wit:

To the 1st section add the names of "Meredith Thurmon, Thomas Gilliam, Wm. J. Riddle, Christopher C. Joy, Pitser Miller and John H. Bills" of the county of Hardeman.

To the 22nd section add the following: "that said company, should they deem it expedient, shall have power to continue their road from Lagrange to Bolivar, in Hardeman county, and they shall put the same under contract at the same time and under the same rules and regulations as are herein before provided, for constructing said road from Lagrange to Memphis; provided

that the citizens of Hardeman county, and that part of Fayette county which lies east of Lagrange, during the time allotted for subscription of stock at the first opening of the books for the sale of shares, shall subscribe for as many shares as will be sufficient to construct said road from Lagrange to Bolivar;" and also the following to the 25th section, to wit: "the capital stock of said company shall be forever exempt from taxation, and all their other property of every description situate and within the State, including the road and rails, shall be exempt from taxation for and during the period of twenty years, from the passage of this act, and no longer; and the sense of the Senate being had, the said amendments were severally accepted.

The bill was thereupon read as amended a third time, and the question, Shall the bill pass? being had, it was determined in the affirmative—ayes 21.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—21.

And so said bill passed its third reading.

A bill to amend an act passed the 1st day of January, 1830, entitled an act to amend an act for the benefit of the Bean Station turnpike road, was read a first time and passed.

Mr. Gordon asked and obtained leave to withdraw for amendment, a bill to increase the manufacture of iron south and west of the congressional line.

A bill to incorporate the inhabitants of the town of Farmington in the county of Bedford, was read a third and last time passed and ordered to be enrolled.

A bill to punish overseers of public roads, or other persons who may set or cause to be set up any false sign or label to mislead travellers, was read a third time and the question, Shall the bill pass? being had, it was determined in the affirmative—ayes 19, noes 4.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore Morford, Reagan, Robertson, Totten and Vernon.

The negative voters are, Mr. Gray, Motley, Rogers and Trousdale—4

and so said bill passed its third reading.

The bill for the temporary appointment of overseers of roads, was read a third time, and the question shall the bill pass, being had, it was determined in the affirmative, ayes 15—noes 5.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Craighead, Gordon, Graves, Hynds, Johnson, Love, Moore, Powell, Reagan, Robertson, Totten and Vernon—15.

The negative voters are,

Mr. Gray, Ledbetter, McGaughey, Rogers and Trousdale—5.

A bill concerning divorces and to regulate the proceedings in suits which

may hereafter be brought in this State in such cases, was on motion of Mr. Hynds, referred to the committee on the judiciary.

A bill to authorise the registration of grants emanating from the State of Kentucky, for lands between Walker's line and Matthews' line, as provided for in the compact of 1820 between the two States, was read a third time and the question, Shall the bill pass? being had, it was determined in the affirmative—ayes 24.

The ayes and noes being required by the constitution the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24. And so said bill passed its third reading.

A bill from the House of Representatives authorising the sale of the Memphis Hospital, and for other purposes, was read a first time and passed.

Mr. Hynds asked and obtained leave to withdraw the same for amendment.

And then the Senate adjourned.

TUESDAY, DECEMBER 15th, 1835.

Mr. Moore, from the committee on privileges and elections, to which was referred "a bill to provide an easy and accurate mode of ascertaining illegal votes in contested elections," reported that the committee have had the same under consideration, think its provisions unreasonable, and had instructed him to recommend its rejection.

On motion of Mr. Robertson the said report and bill was ordered to the table.

Mr. Powell presented the memorial of sundry citizens of Sullivan county, upon the subject of internal improvement, which was on his motion, referred to the committee on internal improvement.

Mr. Hynds, from the committee on internal improvement to whom was referred "a bill to amend an act passed at Nashville the 19th day of November, 1833, entitled an act to authorise A. M. Coffee to open a turnpike road," reported that the committee have had the same under consideration, and had instructed him to recommend the passage of the same except the last section thereof, which they recommend to be stricken therefrom; said report was concurred with, the bill read a first time and passed.

Mr. Hynds from the same, reported favorable to the petition of Robert Officer and Wm. Bartlett, in relation to a turnpike road.

Mr. Hynds from the same, reported favorable to the resolution requesting the Governor of this State to correspond with the Governors of Alabama and Georgia, upon the propriety and practicability of constructing a rail road from Ross' ferry on Tennessee river in Hamilton county to the Coosa river in the State of Alabama or Georgia; and also upon the resolution requiring

his excellency the Governor to open a correspondence with the Governor of Georgia, upon the subject of connecting by rail road the waters of the Tennessee with those of the Coosa.

The said reports and resolutions were, on motion of Mr. Cahal, ordered to the table.

On motion of Mr. Gordon, ordered that the committee on banks be discharged from the further consideration of the bill authorising the stockholders of the Planters bank, to establish a branch at Clarksville.

Mr. Johnson asked and obtained leave to withdraw the said bill for amendment.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr Speaker: The speaker of the House of Representatives did this day sign an enrolled act to establish a supreme court, in pursuance of the 2nd section, article 6, of the constitution of the State of Tennessee.

The House of Representatives propose an amendment, herewith transmitted, to the bill giving Julius Dugger the further time of two years to build a toll bridge across Watauga river, and for other purposes.

The House of Representatives propose a recision of so much of the resolution appointing commissioners to lay off the several counties in this State, into districts of convenient size, within which justices of the peace and constables are to be elected, as appoints Nicholas S. Peck one of said commissioners for the county of Monroe, and have adopted a resolution appointing Archelaus Stepp a commissioner for said county in lieu of the said Peck, in which they ask the concurrence of the Senate, and then he withdrew.

Whereupon the speaker signed the said enrolled act and ordered it to be deposited in the office of the Secretary of State.

The Senate non-concurred with the amendment proposed by the House to the bill, giving Julius Dugger the further time of two years to build a toll bridge across Watauga river.

The Senate concurred with the proposition to appoint Archelaus Stepp a commissioner for Monroe county instead of Nicholas S. Peck.

Mr. Morford introduced a bill dividing the State into districts, for the purpose of electing electors to vote for President and Vice President of the United States, which was read a first time and passed.

Mr. Johnson returned, with amendments, a bill to authorise the stockholders of the Planters bank to establish a branch at Clarksville.

Mr. Cahal moved to strike from said bill, all that part thereof giving a discretionary power to increase the capital stock of said bank; and thereupon the question was had and determined in the affirmative—ayes 17, noes 7.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Ledbetter, the affirmative voters are,

Mr. Speaker Webster, Cahal, Craighead, Gordon, Graves, Gray, Hynds, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Rogers, Trousdale and Vernon—17.

The negative voters are,

Mr. Armstrong, Brown, Childress, Johnson, Love, Robertson and Totten—7.

The question then recurred upon the passage of the bill upon its second reading, and being thereon had, it was determined in the affirmative.

Mr. Johnson again withdrew the said bill for further amendment.

On motion of Mr. Powell, the resolution heretofore submitted by him, instructing our Senators and requesting our Representatives, to procure the passage of an act allowing to the manufacturers of iron, a premium on iron manufactured for rail roads, was taken up and read.

Mr. Powell moved to add the following preamble, to wit:

Whereas, from the era of rail roads in the United States, the various stock companies has procured all the iron necessary to the establishment of such rail roads, from Europe. And whereas, on application to Congress, they have been exempted from the payment of the duties imposed on that article, having thereby done great injustice to our own manufacturers, in as much as they cannot afford to furnish rail road iron for the same prices given for the foreign article. And whereas, the many manufacturers of iron in the United States, can furnish an amount competent to supply the wants of such companies as may hereafter be incorporated, and consequently put into circulation annually, among those laudable and enterprizing citizens of our own continent, many millions of dollars. Therefore.

Mr. McGaughey asked and obtained leave to withdraw for amendment, "a bill to amend an act passed the 1st day of January, 1830, entitled an act to amend an act for the benefit of the Bean's Station turnpike road."

A bill to provide for the recovery of debts due upon judgments lost by fire or other casualty, was taken up read a second time and rejected.

A bill to provide an easy and accurate mode of ascertaining illegal votes in contested elections, together with the report of the committee on privileges and elections, recommending the registration of the bill, were taken up and read, and thereupon the question was had, Will the Senate concur with the report of said committee? and decided in the affirmative—ayes 16, noes 7.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Moore, the affirmative voters are,

Mr. Brown, Childress, Craighead, Graves, Gray, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Reagan, Rogers, Trousdale and Vernon—16.

The negative voters are,

Mr. Speaker Webster, Armstrong, Gordon, Powell and Robertson—5.

Mr. Morford returned without amendment, a bill to establish a treasury department in the mountain district, was read a 2nd time and passed.

A bill to incorporate the inhabitants of the town of Livingston, in the county of Overton, was taken up read a third time passed and ordered to be transmitted.

On motion of Mr. Craighead, the bill to establish a treasury department, to prescribe the duties of the treasurer and to fix his salary, was made the order of the day for to-morrow.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 16th, 1835.

On motion of Mr. Craighead, the bill to establish a treasury department, to prescribe the duties of the treasurer and to fix his salary, was taken up and read,

Mr. Powell moved the indefinite postponement of the bill; Mr. Childress moved to lay it upon the table, which last motion having precedence the sense of the Senate was thereon had, and determined in the affirmative.

On motion of Mr. Craighead, the bill to establish a comptrollers department and to prescribe his duties, was taken up and read.

Mr. Powell moved its indefinite postponement, and thereupon the question was had and determined in the negative—ayes 6, noes 17.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Robertson, the affirmative voters are,

Mr. Hynds, McGaughey, Powell, Reagan, Robertson and Vernon—6.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Johnson, Ledbetter, Love, Moore, Morford, Motley, Rogers and Trousdale—17.

The said bill was thereupon read a second time and passed.

On motion of Mr. Craighead, the bill to establish a treasury department, to prescribe the duties of the treasurer and to fix his salary, was again taken up and read.

Mr. Powell moved its indefinite postponement, and the question thereon being had it was determined in the negative—ayes 3, noes 20.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Gray, the affirmative voters are,

Mr. Powell, Robertson and Vernon—3.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Motley, Reagan, Rogers, Totten and Trousdale—20.

Mr. Totten moved to strike from the 1st section of the said bill, that part thereof providing for the appointment of one treasurer, and thereupon the question was had and determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded by Mr. Totten, seconded by Mr. Love, the affirmative voters are,

Mr. Armstrong, Brown, Graves, Hynds, Love, McGaughey, Powell, Reagan, Robertson, Rogers, Totten and Vernon—12.

The negative voters are,

Mr. Speaker Webster, Cahal, Childress, Craighead, Gordon, Gray, Johnson, Ledbetter, Moore, Motley and Trousdale—11.

Mr. Armstrong thereupon moved to fill the blank occasioned by striking out, with the following: "and that four treasurers shall be appointed, by joint vote of both houses of the General Assembly, for the period of two years and till their successors are elected and qualified, who shall keep their office, the 1st at Knoxville, the 2nd at Sparta, the 3rd at Nashville, and the 4th at

Jackson, and thereupon the question was had and determined in the negative—ayes 6, noes 17.

The ayes and noes being demanded by Mr. Armstrong; seconded by Mr. Love, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Love, Reagan, Robertson and Totten—6.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, McGaughey, Moore, Motley, Powell, Rogers, Trousdale and Vernon—17.

Mr. speaker Webster, then on the floor, moved to lay the said bill on the table, which motion prevailing, Mr. Powell moved to fill the blank with a provision for the election of "three treasurers," and thereupon the question was had and determined in the affirmative—ayes 13, noes 10.

The ayes and noes being demanded by Mr. Brown, seconded by Mr. Love, the affirmative voters are,

Mr. Speaker Webster, Brown, Graves, Hynds, Love, McGaughey, Morford, Powell, Reagan, Robertson, Rogers, Totten and Vernon—13.

The negative voters are,

Mr. Cahal, Childress, Craighead, Gordon, Gray, Johnson, Ledbetter, Moore, Motley and Trousdale—10.

The said bill was thereupon read as amended a second time and passed.

Mr. Gordon returned with several amendments which were accepted, "a bill to encourage the manufacturers of iron south and west of the congressional reservation."

Mr. Brown asked and obtained leave to withdraw the same for amendment.

A bill to amend an act of the General Assembly passed at Nashville on the 19th day of November, 1833, entitled an act to authorise A. M. Coffee to open a turnpike road; and a bill to establish the county of Powell, in honor of Samuel Powell, one of the judges of the circuit courts in this State, were severally read a second time and passed.

A bill from the House of Representatives to prescribe the duties and define the jurisdiction of justices of the peace; and a bill declaring the east fork of Obed's river navigable, were severally read a first time and passed.

And then the Senate adjourned.

THURSDAY, DECEMBER 17th, 1835.

Mr. Reagan presented the petition of John Poe; Mr. Powell the petition of Alla, a free man of colour and others, in relation to their emancipation; Mr. Hynds the petition of sundry citizens of Blount county, requesting authority to remove a schoolhouse; and Mr. Armstrong, the petition of Joshua Wright; all of which were referred to their appropriate committees.

Mr. Craighead, from the committee on the judiciary, to whom was referred the petition of Francis McConnell, reported that the committee have had the

same under consideration, and had instructed him to report the prayer of the petition unreasonable and ought not to be granted; which report was concurred in.

Mr. Craighead from the same, to whom was referred a bill to repeal an act passed by the General Assembly of the State of Tennessee, on the 15th December, 1831, entitled an act to tax retailers of spirituous liquors, and to appropriate the monies arising therefrom to the use of common schools; reported that the committee have had the same under consideration, and instructed him to ask to be discharged from its further consideration. Said request was granted.

Mr. Craighead, from the same, to whom was referred a bill to regulate the practice in the circuit courts of this State; a bill to fix the rate of interest in this State; and a bill concerning divorces, and to regulate the proceedings in suits which may hereafter be brought in this State in such cases; reported that the committee have had the said bills under consideration, think the provisions thereof reasonable, and had instructed him to recommend their passage. The said bills were thereupon severally read and passed.

Mr. Ledbetter, from the committee on the judiciary, reported a bill to lay off the State into solicitorial districts, and for other purposes; which was read a first time and passed.

Mr. Craighead, from the committee on enrolled bills, reported as correctly enrolled, an act making an appropriation to Eli A. Seay; and an act to amend an act entitled an act to authorise Joseph P. Thomas and James B. Reynolds, to build a bridge across red river in Montgomery county, passed at Nashville on the 8th day of October, 1832; both of which were signed by the Speaker, and ordered to be transmitted to the House of Representatives.

Mr. Cahal submitted the following;

Resolved, That it shall be a standing rule of the Senate, that after the transaction of the morning business under the existing rules, business shall be done in the following order, to wit:

1st. The introduction of resolutions and bills.
2nd. The consideration of resolutions already introduced.
3rd. Bills on their 1st reading from the House of Representatives.
4th. Bills on their 2nd reading from the House of Representatives.
5th. Bills on their 3rd reading from the House of Representatives.
6th. Bills on their 2nd reading in the Senate.
7th. Bills on their 3rd reading in the Senate.

And that the Speaker shall direct the business to be taken up accordingly; and that no bill or resolution shall be introduced or considered otherwise than prescribed in the resolution.

Mr. Gray withdrew for amendment a bill providing for the division of Humphreys county, and to lay off the county of Benton.

Mr. McGaughey returned with an amendment, a bill to amend an act passed the 1st day of January, 1830, entitled an act to amend an act for the benefit of the Bean Station turnpike road—the following is the amendment, to wit:

Be it enacted, That all wagons and teams, that may hereafter pass through the turnpike gate on said turnpike road, for the purpose of going to the Ken-

tucky salt works, or returning from the said works, shall pass through the said gate without paying any toll, provided, the owner or driver of said team shall produce to the keeper of said gate an affidavit, sworn to before some justice of the peace in this State, stating that he is going to Kentucky salt works for a load or loads of salt, or returning with a load or loads, as the case may be.

Mr. Speaker Webster, then on the floor, moved to amend the said amendment by providing that said wagons should only be exempt from toll when returning from said works loaded with salt.

On motion of Mr. Cahal, said bill and amendments were referred to the committee on internal improvements.

On motion of Mr. Craighead, ordered that twenty-five copies of the bill to prescribe the duties of justices of the peace, be printed for the use of the Senate.

A bill to establish the county of was taken up and read.

Mr. Armstrong moved that said county be called Bradley, in honor of Col. Edward Bradley; which motion prevailing, said bill was thereupon read a second time and passed.

A bill to incorporate the town of Dyersburg in the county of Dyer, was read a second time and passed; a bill to amend an act passed at Nashville, the 19th of November, 1833, entitled an act to authorise A. M. Coffee to open a turnpike road; a bill to repeal an act passed November 14th, 1817, entitled an act for the benefit of Joseph A. Montgomery; and a bill to amend an act passed the 11th day of October, 1832, incorporating the town of McMinnville, were severally read a third time and passed; a bill to authorise the clerks of courts of record in this State, to take the probate or acknowledgement of assignment of platts and certificates of survey and locations, was read a third time and the question, Shall the bill pass? being had, it was determined in the affirmative—ayes 15, noes 4.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Gordon, Graves, Gray, Hynds, Ledbetter, Moore, Powell, Reagan, Robertson, Rogers and Totten—15.

The negative voters are,

Mr. Childress, Motley, Trousdale and Vernon—4.

A bill from the House of Representatives to incorporate the Dresden Female academy in the county of Weakley; a bill to repeal an act entitled an act to tax retailers of spirituous liquors, and to appropriate the monies arising therefrom to the use of common schools, passed December 15th, 1831; a bill to amend the act of 1825, chapter 37; a bill to repeal an act entitled an act to incorporate the inhabitants of the town of Tazewell, passed the 2nd of January 1830; a bill to incorporate the inhabitants of the town of Clinton, in the county of Anderson; and a bill to authorise Lewis Miller, Joseph Ferrell and Thomas Mode, to lay off a town on their own lands in Campbell county, were severally read a first time and passed.

Mr. Brown returned with an amendment in lieu of the 5th section, a bill to encourage the manufacture of iron, south and west of the congressional

reservation line; said amendment was accepted, the bill read a second time and passed,

Mr. Craighead presented the memorial of Spencer Payne, which was read and referred to the committee on claims.

On motion of Mr. Love, ordered that Mr. Moore be added to the committee on military affairs.

Mr. Hynds submitted the following:

Resolved, That hereafter no motion to adjourn in the evening, shall be in order until after 6 o'clock P. M.

A bill to declare the east fork of Obed's river navigable; a bill to appoint commissioners to the Hemby turnpike road in the county of Morgan; and a bill for the relief of jailors, were severally read a second time and passed.

And then the Senate adjourned.

FRIDAY, DECEMBER 18th, 1835.

Mr. Speaker Webster presented the return of the clerk of the county court of Bedford county, showing the amount of monies collected by him on license for retailing spirituous liquors; which was read and referred on his motion, to the committee on common schools.

Mr. Speaker Webster also presented the memorial of John Brown, a half breed Cherokee Indian, accompanied with the petition of sundry citizens of Hamilton county, praying the passage of a law extending to him the right of citizenship, which was read and ordered to be transmitted to the House of Representatives.

Mr. Craighead introduced a bill (with a memorial) to extend the Nashville, Murfreesborough and Shelbyville turnpike company, which was read a first time and passed.

Mr. Love returned with an amendment which was accepted, a bill to authorise the commissioners of internal improvement of Henry county, to contract for building a bridge across main Sandy river at or near Bond's ferry, where the road leading from Paris to Charlotte, by way of Lagrange furnace in Stuart county crosses the same, which was read a third time and passed.

Mr. Johnson returned with an amendment, which was accepted, a bill authorising the stockholders of the Planters bank to establish a branch at Clarksville, which was read a third time and passed.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: The Speaker of the House of Representatives, did this day sign an enrolled act to authorise the registration of grants emanating from the State of Kentucky, for lands lying between Walker's line and Matthews' line, as provided for in the compact of 1820, between the two States; also a resolution appointing commissioners to lay off the several counties of the State into districts of convenient size within which justices of the peace and constables shall be elected, and then he withdrew,

Whereupon the Speaker of the Senate signed said enrolled act and reso-

lution, and ordered them to be deposited in the office of the Secretary of State.

A bill to appoint additional commissioners for the town of Huntingdon, in the county of Carroll, and a bill to incorporate the town of Dyersburg in the county of Dyer, were severally read a third time passed and ordered to be transmitted.

A bill to incorporate the Dresden female academy in Weakley county, was taken up read a second time and passed.

Mr. Brown asked and obtained leave to withdraw for amendment, a bill to explain and amend an act entitled an act to amend the registration laws of this State, and for other purposes, passed in 1831, chapter 90; and also to amend an act passed in 1832, chapter 92, entitled an act to amend the registration laws of this State, and regulating the probates of deeds, and other instruments.

A bill to repeal the 2nd and 3rd sections of an act entitled an act to amend the judiciary system of the State of Tennessee, passed the 15th December, 1831, chapter 52, was read a second time and the question, Shall the bill pass? being had thereon, it was decided in the affirmative—ayes 16, noes 3.

The ayes and noes being demanded by Mr. Brown, seconded by Mr. Totten, the affirmative voters are,

Mr. Speaker Webster, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Love, Moore, Powell, Robertson, Totten, Trousdale and Vernon—16.

The negative voters are,

Mr. Armstrong, Brown and Reagan—3.

Mr. Cahal introduced a bill to repeal the 2nd section of an act passed November 30th, 1833, chapter 65, which was read a first time and passed.

A bill to regulate the practice in circuit courts of this State, was read a third time and the question, Shall the bill pass? being had, it was determined in the affirmative—ayes 11, noes 10.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Childress, Craighead, Gordon, Graves, Hynds, Love, Morford, Powell, Reagan, Trousdale and Vernon—11.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Gray, Johnson, Moore, Motley, Robertson and Totten—10.

A bill to repeal an act entitled an act to incorporate the inhabitants of the town of Tazewell, passed 2nd January, 1830, was taken up, read a second time and passed.

A bill authorising the sale of the Memphis Hospital, and for other purposes, was taken up and on motion of Mr. Speaker Webster, (then on the floor) said bill was referred to the committee of the whole, and made the order of the day for to-morrow.

A bill to amend the act of 1825, chapter 37, was taken up read a second time and passed.

A bill to repeal an act entitled an act to tax the retailers of spirituous

liquors, and to appropriate the monies arising therefrom to the use of common schools, passed December 15th, 1831, was taken up and read.

Mr. Graves offered an amendment to said bill in lieu of the 3rd section of the bill, which is as follows, to wit:

Section 3rd. Be it enacted, That nothing in this act shall be so construed as to fine any persons for selling spirits manufactured out of the produce of this State, provided such persons do not keep a tipling house. And the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Totten offered the following amendment to the bill, which is as follows, to wit:

Be it enacted by the General Assembly of the State of Tennessee, that it shall not be lawful for the clerks of the courts of this State, to issue the license contemplated in said act of the 15th December, 1831, unless the applicant therefor shall first pay, into the hands of the clerk for the use of common schools, the sum of fifty dollars; and

Mr. Graves the following, to wit:

Be it enacted, that all laws on the subject of retailing spirituous liquors, are hereby repealed.

On motion of Mr. Speaker Webster, (then on the floor,) said bill and amendments were referred to the committee on ways and means.

Mr. Johnson from the judiciary committee, reported a bill directing how suits may be brought against the State; which bill was read a first time and passed.

On motion of Mr. Craighead a bill to establish circuit courts, was recommitted to the judiciary committee.

A bill to declare the east fork of Obed's river navigable, was read a third time and the question, Shall the bill pass? being had, it was decided in the affirmative—ayes 19, there being no negative voters.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Love, Moore, Morford, Motley, Powell, Reagan, Totten, Trousdale and Vernon—19.

So said bill passed a third time and ordered to be transmitted.

A bill providing for the division of Humphreys county, and to lay off the county of Benton, was taken up and read a third time.

Mr. Gray offered the following amendment to the bill, to wit:

And it shall be the duty of said commissioners to superintend the building of the courthouse and jail and other necessary public buildings, and shall let out such buildings as the county court of said county shall order to be built, upon such terms and conditions as the said court shall direct, and shall take bond with sufficient security, from the person or persons to whom the same is let, payable to themselves and their successors in office, in double the amount of their contract or contracts, conditioned for the faithful performance thereof; and the proceeds of the sale of the lots aforesaid, and such tax as may be collected in pursuance of this act, shall be a fund in the hands of said commissioners for the payment of the purchase money for the tract of land on which said town shall be located, and defraying the expenses of

erecting public buildings, and when said buildings are completed, said commissioners shall, by order of the county court, pay over all surplus monies to the county trustee, for county purposes; and the sense of the Senate being thereon had, said amendment was accepted.

Mr. Gray offered the following amendment as an additional section to the bill, to wit:

Section 11. Be it enacted, That all officers, civil and military, in said county, shall continue to hold their office and exercise all the powers and functions thereof, until others are elected under the provisions of the amended constitution, and the laws made in pursuance thereof. And the said county of Benton shall elect her officers, civil and military, under the amended constitution at the same time and under the same rules and regulations prescribed by law for the election of officers in the other counties of this State; and the citizens of said county of Benton, in all elections for Governor, members of Congress and members of the General Assembly, shall vote with the county of Humphreys, until the next apportionment of members of the General Assembly, agreeable to the provisions of the 5th section of the 10th article of the amended constitution. And the sense of the Senate being thereon had, said amendment was accepted.

On motion of Mr. Gray, said bill was ordered to the table.

A bill to establish the county of Rutledge, was taken up, read a first time and passed.

A bill to encourage the manufacture of iron south and west of the Congressional reservation line, was taken up and read a third time; and the question, Shall the bill pass? being had, it was decided in the affirmative—ayes 16, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Gordon, Graves, Johnson, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Trousdale and Vernon—16.

The negative voter is, Mr. Hynds—1.

And so said bill passed a third time, and ordered to be transmitted.

And then the Senate adjourned.

SATURDAY, DECEMBER 19th, 1835.

Mr. Armstrong presented the petition of sundry citizens of Overton county, praying for a change in the militia laws of this State; which was on his motion referred to the committee on military affairs.

Mr. Hynds submitted the following:

Whereas, notice has been given, that there would be a motion made on Monday next, to elect a door-keeper to the Senate for the remainder of the Senate [session:] Therefore,

Resolved, That the Senate do forthwith proceed to remove the door-keeper and elect another.

On motion of Mr. Hynds, the rule requiring resolutions to lie one day on the table, was suspended. Mr. Hynds thereupon moved that the question be now taken upon the adoption of the resolution; and the sense of the Senate being thereon had, it was determined in the negative—ayes 8, noes 13.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Love, the affirmative voters are,

Mr. Cahal, Craighead, Gordon, Gray, Love, Morford, Motley and Totten—8.

Those who voted in the negative are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Hynds, Johnson, Moore, Powell, Reagan, Robertson, Trousdale and Vernon—13.

Mr. Powell presented the following:

NASHVILLE, 19th Dec. 1835.

Mr. Speaker and Gentlemen of the Senate:

I hereby respectfully tender my resignation of the office of door-keeper to the Senate; which I wish your honorable body to accept.

Respectfully, yours,

SAMUEL P. TIPTON.

Said resignation was accepted by the Senate.

Mr. Powell submitted the following:

Resolved, That the Senate proceed forthwith to elect a door-keeper in the room and stead of Samuel P. Tipton, resigned.

On motion of Mr. Powell, the rule requiring resolutions to lie one day on the table was suspended, and the resolution adopted.

The Senate thereupon proceeded to the election of a door-keeper for the remainder of the session; and on taking the vote, it appeared that Isreal McCarroll was duly and constitutionally elected.

Mr. Craighead from the committee of enrollments, reported as correctly enrolled, an act giving Julius Dugger the further time of two years to build a bridge across Watauga river, and for other purposes.

Whereupon the speaker of the Senate signed the said enrolled act, and ordered it to be transmitted.

A bill providing for the division of Humphreys county, and to lay off the county of Benton, was taken up.

Mr. Gray offered an amendment to the bill, which was accepted, the bill read a third time and passed.

The ayes and noes being required by the constitution, those who voted in the affirmative are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Totten, Trousdale and Vernon—20.

Noes—00.

A message from the House of Representatives by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have adopted a resolution requiring the Governor to loan to organized volunteer companies the public arms. And then he withdrew.

Whereupon the said resolution was read and concurred with.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The speaker of the House of Representatives did this day sign an enrolled act to incorporate the inhabitants of the town of Farmington in the county of Bedford. And then he withdrew.

Whereupon the speaker signed said enrolled act.

Ordered, That it be deposited in the office of the Secretary of State.

MONDAY, DECEMBER 21st, 1835.

Mr. Hynds presented the memorial of sundry citizens of Cocke county, on the subject of the contemplated rail road from Cincinnati, Ohio, to Charleston, South Carolina; which was on his motion, referred to the committee on internal improvement.

A bill to incorporate the Dresden female academy in Weakly county, was read a third time and passed.

Mr. Hynds introduced a bill to improve the navigation of French Broad river; which was read a first time and passed.

On motion of Mr. Hynds, said bill was referred to the committee of the whole, and made the order of the day for to-morrow.

Mr. Vernon introduced a bill to authorise the opening and keeping in repair, a turnpike road; which was read a first time and passed.

A bill to incorporate the inhabitants of the town of Clinton, in the county of Anderson, was read a second time and passed.

Mr. Powell submitted the following:

Resolved, That the State of Tennessee is indebted to Samuel P. Tipton in the sum of three hundred and four dollars, for services as door-keeper to the Senate, for seventy-six days, up to the 19th inst., the day of his resignation; and his receipt for the same shall be a good voucher on settlement with the treasurer, on account of the expenses of the present session of the legislature.

Mr. Powell moved the suspension of the rule requiring resolutions to lie one day on the table; which motion prevailed, and the resolution adopted.

Mr. Moore, from the committee on privileges and elections, to whom was referred sundry bills upon the subject of the election of Governor, members to Congress, members of the General Assembly, and other county officers—reported that they have had the same under consideration, and had instructed him to report a bill in lieu of the whole except the caption, and recommend its passage.

Said report was concurred with, and the bill read a second time and passed.

On motion of Mr. Robertson, the Senate resolved themselves into a committee of the whole, Mr. Moore in the chair, upon the bill authorising the sale of the Memphis hospital, and for other purposes, and after some time spent therein, on motion of Mr. Cahal, the committee rose, the chairman reported to the Senate that the committee of the whole have had said bill under con-

sideration, and had instructed him to report the provisions thereof reasonable and to recommend its passage.

Said report was concurred in by the Senate, and the bill read a second time and passed.

Mr. Armstrong, from the committee on military affairs, made the following report, to wit:

The committee on military affairs have had a resolution heretofore submitted by Mr. Moore, enquiring into the expediency of revising the militia laws of this State, and beg leave to report that from examination they find that the militia laws have not been revised since the year 1825, but that sundry amendments have been made from time to time; which amendments have not been condensed so as to enable the militia officers to obtain the same; therefore, the committee recommend the entire revision of the laws, and that a copy be furnished to each commissioned officer of this State. All of which is respectfully submitted.

H. C. ARMSTRONG, Chairman.

Said report was read and concurred with.

A bill from the House of Representatives prescribing the mode of publishing the decisions of the supreme court, was read a first time and passed.

On motion of Mr. Trousdale, said bill was referred to the committee on the judiciary.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives concur in the amendment proposed by the Senate to the bill to authorise the commissioners of internal improvement of Henry county to contract for building a bridge across main Sandy river, at or near Bond's ferry, where the road leading from Paris to Charlotte, by the way of Lagrange furnace, in Stewart county, crosses the same.

The speaker of the House of Representatives did this day sign enrolled acts and a resolution, of the following titles, to wit:

An act to punish overseers of public roads or other persons, who shall set or cause to be set up, any false sign or label, to mislead travellers; and an act to re-organise the county courts in this State; and a resolution authorizing the Governor to loan arms. And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled acts and resolution, and ordered that they be deposited in the office of the Secretary of State.

A bill directing how suits may be brought against the State of Tennessee, was taken up, read a second time and passed.

A bill for the relief of jailors, was taken up and read.

Mr. Hynds moved to amend said bill by inserting after the words "cause be continued," the words "for more than twelve months;" which said amendment was accepted.

He further moved to amend said bill, by striking out the words "from term to term, until said cause is finally disposed of;" which also prevailed.

Said bill was then read as amended, and the question, Shall the bill pass? being had, it was determined in the negative—ayes 8, noes 11.

The ayes and noes being required by the constitution the affirmative voters are,

Mr. Speaker Webster, Cahal, Graves, Henderson, Morford, Powell, Reagan, and Robertson—8.

Those who voted in the negative are,

Mr. Armstrong, Brown, Childress, Craighead, Gordon, Gray, Hynds, Johnson, Moore, Trousdale and Vernon—11.

So said bill was rejected.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. Speaker: The House of Representatives did this day adopt a resolution apportioning the acts and journals among the several counties of this State, in which they ask the concurrence of the Senate. And then he withdrew.

Mr. Childress moved to reduce the number of journals to one third of the number proposed in said resolution. And the question being thereon had, it was decided in the negative—ayes 5, noes 17.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Vernon, the affirmative voters are,

Mr. Childress, Craighead, Henderson, Morford and Robertson—5.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Gordon, Graves, Gray, Hynds, Johnson, Love, Moore, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—17.

On motion of Mr. Vernon, said resolution was referred to a select committee of three.

Whereupon the speaker appointed Mr. Vernon, Childress and Gordon, to be of said committee.

The Senate then adjourned.

TUESDAY, DECEMBER 22d, 1835.

Mr. Gordon presented the petition of sundry citizens of the county of Wayne, Hardin and Perry, asking the establishment of a new county; which was referred on his motion to the committee on new counties and county lines.

Mr. Vernon from the select committee to whom was referred a resolution from the House of Representatives, apportioning the acts and journals among the several counties, reported that the committee have had the same under consideration, and had instructed him to report a resolution in lieu thereof, apportioning the acts and journals of the present General Assembly, and to recommend its adoption.

Said report was concurred with, and the resolution adopted.

A bill to authorise the sale of the Memphis hospital and for other purposes, was taken up, read a third time; and the question, Shall the bill pass? being had, it was decided in the affirmative—ayes 18.

There being no negative voters, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Henderson, Hynds, Ledbetter, Love, Motley, Reagan, Robertson, Rogers, Trousdale and Vernon—18.

Mr. Childress submitted the following:

Resolved, That the military committee be instructed to report a bill prescribing the manner of laying off the different regiments of militia in this State, so that they shall be laid off in squares, or as nearly so as practicable; and also that the counties having two thousand men subject to militia duty, be divided into four regiments.

On motion of Mr. Reagan, Mr. Armstrong was added to the committee on Indian affairs.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The speaker of the House of Representatives did this day sign an enrolled act entitled an act to regulate the practice in the circuit courts of this State. And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled act, and ordered that it be deposited in the office of Secretary of State.

Mr. Craighead from the judiciary committee, to whom was referred a bill from the House of Representatives to authorise the several county courts in this State to grant the privilege of building bridges, mill dams, and such other local and private improvements as are contemplated by the 7th and 8th sections of the 11th article of the constitution of Tennessee—reported that the committee have had the same under consideration, and had instructed him to report the bill with sundry amendments thereto, and with the amendments to recommend the passage of the bill.

Mr. Powell moved to amend the amendment in lieu of the first section, as reported by the committee, by inserting after the words "fish traps," the following: "or direct the removal of all such fish traps and fish dams as in the opinion of the court forms an obstruction to the navigation;" and the sense of the Senate being thereon had, said amendment was adopted.

Mr. Graves moved further to amend said amendment by adding thereto the following; "Provided, also, that in all contracts made for the purpose of making roads or building bridges, or any other improvement, where the court shall employ any person or persons to do the same for the benefit of the county, and direct toll-gates to be put up, that the tolls collected shall only be with a view of defraying the expenses of making and keeping such improvement in repair, and not for the purpose of creating a revenue for the county; and if the courts should authorise a contract to be made with an individual or individuals to make improvements, and should think proper to compensate them by authorising toll-gates to be put up, that the courts shall only allow such tolls to continue as long as they may judge sufficient to defray the expense of making such improvement; which time and rates of toll shall be ascertained in the contract when first made.

Which amendment was rejected.

Mr. Henderson offered the following amendment to the bill to wit:

Sec. 14. Be it enacted, That where any ferry or turnpike bridge has been

of may hereafter be established by law, that no free ferry or bridge across the same stream shall be established, or if established, shall be continued by subscription or otherwise, within less than three miles thereof, without the consent of the owner or owners of said ferry or bridge thus lawfully established, under the penalty of five dollars for each person that may cross thereat, to be recovered of the person or persons who erected said free ferry or bridge, by the owner or owners of the ferry or turnpike bridge thus lawfully established, before a justice of the peace; provided, however, that nothing in this act shall be so construed as to prevent any person or persons from keeping a ferry or bridge for their own family or private use.

And the sense of the Senate being thereon had, said amendment was rejected—ayes 10, noes 13.

The affirmative voters are,

Mr. Speaker Webster, Brown, Craighead, Gordon, Henderson, Hynds, Johnson, Powell, Robertson and Totten—10.

The negative voters are,

Mr. Armstrong, Cahal, Childress, Graves, Gray, Ledbetter, Moore, Morford, Motley, Reagan, Rogers, Trousdale and Vernon—13.

Mr. Graves moved to strike out the 8th section of the bill; which motion was lost.

Whereupon said bill as amended was read a 2d time and passed.

On motion of Mr. Hynds, the Senate resolved themselves into a committee of the whole, Mr. Childress in the chair, upon a bill to improve the navigation of French Broad river; and after some time spent in the consideration thereof, on motion of Mr. Cahal, the committee rose, reported the bill, together with an amendment, and recommended the passage of the bill.

Whereupon said report was concurred in, the bill as amended read a 2nd time and passed.

Mr. Moore from the committee on privileges and elections, to whom was referred the petition of sundry citizens of Jefferson county, praying the establishment of precinct elections within the bounds of each captain's company in said county, reported that the committee had instructed him to return the same, and asked and obtained leave to be discharged from the further consideration of the same.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives did this day pass a third and last time, a bill from the Senate to establish chancery courts, with sundry amendments thereto, herewith transmitted, in which they ask the concurrence of the Senate.

They concur with the amendments proposed by the Senate to a bill providing for the division of Humphreys county, and to lay off the county of Benton, and then he withdrew.

The Senate then adjourned.

WEDNESDAY, DECEMBER 23d, 1835.

On motion of Mr. Craighead, a bill to establish chancery courts was taken up and made the order of the day for Monday the 4th day of January next.

Mr. Motley introduced a bill to prevent town corporations from passing certain ordinances; which was read a first time and passed.

Mr. Henderson introduced a bill to equalize the stray laws of this State; which was read a first time and passed.

A bill to authorise the opening and keeping in repair a turnpike road, was read a 2d time and passed.

A bill to improve the navigation of French Broad river was taken up.

Mr. Hynds moved to amend said bill by striking out the words "the county court clerk of said county," in the 2d section of the bill, for the purpose of inserting the words "the Secretary of State;" and also to amend said section by adding thereto the following: "And said commissioners shall make a report upon oath to the next General Assembly of their proceedings, stating what sum has been received by subscription, and how they have applied said money and what sum, together with a report, showing the progress of the work."

Said amendments were adopted.

Mr. Henderson moved further to amend said bill by adding to the caption the following: "and for the Obion river;" and also to add to the 4th section the following: "To be paid by the treasurer of the Western District out of any money not otherwise appropriated; and that Benjamin McCullock, Moses Woodfin and Wm. W. Lea be appointed commissioners to let out said work, and appropriate said five hundred dollars, and shall give bond and security, under the same regulations as are provided in the 2d section of this act."

Said amendments were severally adopted.

Whereupon said bill as amended was read a third time; and the question, Shall the bill pass? being had, it was determined in the affirmative—ayes 13, noes 6.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Graves, Henderson, Hynds, Love, Powell, Reagan, Robertson and Rogers—13.

The negative voters are,

Mr. Cahal, Gordon, Ledbetter, Motley, Trousdale and Vernon—6.

So said bill passed its third reading, and ordered to be transmitted.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The speaker of the House of Representatives did this day sign an enrolled act entitled an act to amend an act passed the 11th day of October, 1832, incorporating the town of McMinnville. And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled act, and ordered that the same be deposited in the office of Secretary of State.

Mr. Powell introduced a bill to improve the navigation of Watauga river

in Carter county; which was read a first time, passed, and on motion of Mr. Brown, it was referred to the committee on internal improvement.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The speaker of the House of Representatives did this day sign enrolled acts of the following titles: An act to declare the east fork of Obed's river navigable; and an act to repeal an act passed November 24th, 1817, entitled an act for the benefit of Joseph A. Montgomery. And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled acts, and ordered that they be deposited in the office of Secretary of State.

The Senate then adjourned.

THURSDAY, 24th DECEMBER, 1835.

Mr. Graves presented the petition of sundry citizens of Knox county, praying the repeal of the law authorising any person to retail spirituous liquors upon paying a tax of fifty dollars; which was read.

Mr. Powell moved to lay said petition on the table until the 25th of December, 1836. And the sense of the Senate being thereon had, said motion was rejected—ayes 6, noes 11.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Love, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Craighead, Love, and Powell—6.

The negative voters are,

Mr. Speaker Webster, Cahal, Graves, Henderson, Hynds, Ledbetter, Morford, Reagan, Robertson, Rogers, and Vernon—11.

Mr. Hynds moved to lay it upon the table till the first day of January next.

Mr. Love called for the ayes and noes seconded by Mr. Robertson. The clerk commenced calling the Senate, but before he had gotten through with the call, Mr. Craighead moved that the Senate do now adjourn until Monday next. A question of order was raised as to the right to move an adjournment after a question was put and the call of the Senate had commenced.

The Speaker decided that according to parliamentary law the motion was out of order, but agreeable to the rules of the Senate, a motion to adjourn was always in order. The speaker then put the question upon the motion to adjourn.

Mr. Cahal called for the ayes and noes, seconded by Mr. Brown, the affirmative voter is Mr. Craighead—1.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Graves, Henderson, Hynds, Ledbetter, Love, Morford, Powell, Reagan, Robertson, Rogers and Vernon—16.

So the Senate refused to adjourn.

The question then recurred upon the motion of Mr. Hynds to lay the petition on the table till the 1st day of January, 1836.

The speaker directed the clerk to proceed with the call of the Senate upon said motion. The motion was rejected—ayes 4, noes 13.

Those who voted in the affirmative are,

Mr. Childress, Henderson, Hynds and Robertson—4.

The negative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Craighead, Graves, Ledbetter, Love, Morford, Powell, Reagan, Rogers and Vernon—13.

Said petition was then, upon Mr. Graves' motion, referred to the committee on propositions and grievances.

Mr. Craighead moved the Senate do now adjourn till Monday next, and the sense of the Senate being thereon had, it was rejected—ayes 3, noes 14.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Reagan, the affirmative voters are,

Mr. Craighead, Henderson and Hynds—3.

The negative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Graves, Ledbetter, Love, Morford, Powell, Reagan, Robertson, Rogers and Vernon—14.

Mr. Robertson introduced a bill to regulate turnpike roads and toll bridges, and to make the proprietors or keepers thereof liable to indictment as overseers of public roads, which was read a first time and passed.

A bill to amend an act entitled an act to appoint suitable persons to open and keep in repair, that part of the road leading from South West Point to Carthage, which lies on Cumberland mountain, passed 15th November, 1815, was taken up read a third time passed and ordered to be transmitted.

Mr. Graves submitted the following:

Whereas, there is no uniformity under the provisions of the constitution of the United States, in the election of electors to vote for President and Vice President of the United States; in some States, the electors are elected by the legislature, in others by general ticket, and in others by single electoral districts, which creates jealousies and strife, some States fearing that others are seeking advantages in said election. And as we believe the mode that would give more general satisfaction than any other, would be for the people to vote by single electoral districts, either immediately for president or electors; and also that it would give more general satisfaction, if some plan could be adopted, to prevent the election of President and Vice President from ever being made by Congress; Therefore,

Resolved, by the General Assembly of the State of Tennessee, that our Senators in Congress be instructed, and our Representatives requested to use all the means in their power to make a proposition to the several States, to adopt the following as amendments to the constitution of the United States, to wit:

"That each State shall be laid off into as many single electoral districts as such State is entitled to electoral votes, agreeable to the present ratio of representation pointed out by the constitution in such manner as the legislature may direct. Each district, in such State, to contain as near an equal number of votes as may be convenient, without dividing counties to form a

district; and that each district shall elect one elector, or that the people vote immediately for President, by districts; and that such district be counted as a vote in the election of President and Vice President of the United States in the same way as if the vote had been for electors, so that the weight of the slave population be retained in such elections as at present; and that such, after the vote of the district is ascertained, shall be given for President at the same time and in the same way that the vote is given at present by electors. And that the election for electors in the districts or for ascertaining the vote of the districts for President, shall be on the same day throughout the United States. The vote for President and Vice President to be returned to Congress and counted out within the first month of the session, immediately after such election; and if no one candidate should have a majority of all the votes given in for President and Vice President, as the case may be, then the President shall return the two highest candidates on the list for President or Vice President, as the case may be to the people, for a second choice; which shall be made by elections to be held in the same way that the first election was held, which time shall also be pointed out by the constitution and return made to Congress in time for the vote to be counted out before the 1st of March in said session."

The Senate then adjourned.

FRIDAY, DECEMBER 25th, 1835.

Present Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Graves, Henderson, Ledbetter, Love, Morford, Powell, Reagan, Robertson, Rogers and Vernon—15.

There not being a quorum, the members present adjourned until to-morrow morning 9 o'clock.

SATURDAY, DECEMBER 26th, 1835.

Present Mr. Speaker Webster, Armstrong, Brown, Cahal, Graves, Henderson, Love, Morford, Powell, Reagan, Robertson, Rogers and Vernon —13.

There not being a quorum, the members present adjourned until Monday morning next.

MONDAY, DECEMBER 28th, 1835.

Mr. Robertson presented the petition of Jesse Allsup, praying the emancipation of four slaves, which was read and referred to the committee on propositions and grievances.

A bill to authorise the opening and keeping in repair a turnpike road, was read a 3rd time and the question, Shall the bill pass? being thereon had, it was determined in the affirmative, ayes 16, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Childress, Craighead, Graves, Henderson, Johnson, Love, McGaughey, Morford, Powell, Reagan, Robertson, Rogers and Vernon—16.

The negative voter is Mr. Brown.

A bill to amend the act of 1835, chapter 37, was read a third time, and the question Shall the bill pass? being thereon had, it was determined in the affirmative—ayes 17.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Graves, Henderson, Johnson, Love, McGaughey, Morford, Powell, Reagan, Robertson, Rogers and Vernon—17.

A bill to repeal an act entitled an act to incorporate the inhabitants of the town of Tazewell, passed 2nd January, 1830, and a bill to incorporate the inhabitants of the town of Clinton, in the county of Anderson, were severally read a third and last time in both houses, passed and ordered to be enrolled.

A bill to repeal the 2nd and 3rd sections of an act entitled an act to amend the judiciary system of the State of Tennessee, passed 15th December, 1831, chapter 52, was read a third time, and the question Shall the bill pass? being thereon had, it was determined in the affirmative—ayes 11, noes 6.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Graves, Henderson, Johnson, Love, Morford and Robertson—11.

The negative voters are,

Mr. Armstrong, McGaughey, Powell, Reagan, Rogers and Vernon—6.

And then the Senate adjourned.

17

TUESDAY, DECEMBER 29th, 1835.

Mr. Powell presented the memorial of sundry citizens of Washington county, in relation to internal improvement, which was on his motion referred to the committee on that subject.

Mr. Reagan, the petition of Cyrus A. Humphreys and Patrick McClung, administrators of James Humphreys, deceased, praying the passage of a law authorising them to sell the real estate of said deceased, and to loan out the money arising therefrom; which was read and referred, on his motion, to the committee on the judiciary.

Mr. Vernon, from the committee on Indian affairs, to whom was referred

a bill from the House of Representatives, to establish the county of Rutledge, reported that the committee have had the same under consideration, propose striking out the word "Rutledge," and inserting the words "Bradley, in honor of, and to perpetuate the memory of Col. Edward Bradley, deceased, late of Shelby county," and with that amendment had instructed him to recommend its passage.

On motion of Mr. Johnson, the said bill and report were ordered to the table.

Mr. Childress introduced a bill ascertaining what property in this State shall be taxed, and the mode or manner of valuing the same, and of collecting the revenue of the State, which was read a first time and passed, and on motion of Mr. McGaughey, fifty copies thereof ordered to be printed for the use of the Senate.

Mr. McGaughey submitted the following:

Resolved, That the Senate hereafter meet regularly at 9 o'clock A. M. and sit until half after 12 o'clock P. M.; and that they meet at 2 o'clock P. M. and sit till 5 P. M.; and that a motion to adjourn at any other hour, shall be considered and declared out of order, unless sustained by two thirds of the members present.

A bill from the House of Representatives to repeal the 2nd, 3rd and 4th sections of an act entitled an act to amend the judiciary system of the State of Tennessee was read, and on motion of Mr. Robertson, ordered to the table.

A bill for the benefit of Nancy Kennedy, William McAamy and John Calloway, senior; and a bill to incorporate the town of Lagrange in the county of Fayette, were severally read a first time and passed.

A bill to establish the county of Powell, in honor of Samuel Powell, one of the judges of the circuit court, was taken up and read.

Mr. McGaughey offered the following additional section as an amendment thereto, to wit:

Be it enacted, That no part of the citizens of Hawkins, Greene or Washington counties shall be stricken off to constitute a new county, without the consent of a majority of the qualified voters within the bounds so stricken off.

The foregoing amendment was received.

Mr. Powell moved further to amend the said bill by adding thereto the following provisions, to wit:

And provided, that if there should not be constitutional limits in the new county, that then the commissioners may cross the river in Sullivan or Hawkins counties, and run the line so as to embrace three hundred and fifty square miles, if a majority of the qualified voters in said bounds shall give their consent.

Mr. Speaker Webster, then on the floor, asked and obtained leave to withdraw the said bill and amendment, for further amendment.

A bill to prescribe the duties, and define the jurisdiction of justices of the peace was taken up and read.

Mr. Cahal moved to strike therefrom the 19th section thereof; and the

question thereon being had, it was determined in the negative—ayes 8, noes 12.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Robertson, the affirmative voters are,

Mr. Armstrong, Cahal, Craighead, Gordon, Henderson, Motley, Powell and Trousdale—8.

The negative voters are,

Mr. Speaker Webster, Brown, Childress, Graves, Johnson, Love, McGaughey, Morford, Reagan, Robertson, Rogers and Vernon—12.

Mr. Trousdale moved to strike therefrom the 3rd section thereof.

Mr. Craighead moved to amend the said section by striking out the proviso thereto, and providing that the magistrates should attend at some central point in the district, once a week instead of once a month.

Mr. Gordon moved the reference of the bill to the committee on the judiciary, which last motion having precedence the sense of the Senate was thereon had and determined in the negative.

Mr. Cahal thereupon moved to lay the bill on the table, which motion prevailed.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 30th, 1835.

Mr. Henderson introduced "a bill to protect the free people of this State against arbitrary, summary and unjust proceedings contrary to the constitution of the United States, and of the State of Tennessee and the laws thereof," which was read a first time passed and referred, on motion of Mr. Hynds, to the committee on the judiciary.

Mr. Cahal returned a bill to incorporate the trustees of the Pleasant Grove academy in Maury county, with the following amendment, to wit:

Insert in the 9th line, after the word "shall" the following: "have, hold and acquire all property, both real and personal, which may be necessary for the purpose of the academy, and shall;" and also in the 8th line of the 1st section, before the word "succession," insert the word "perpetual" instead of the words "ninety-nine years;" said amends [amendments] were received, the bill read as amended a second time and passed.

A bill from the House of Representatives to provide for adjusting the controversy between the State and the Union Bank, was read a first time passed and referred on motion of Mr. Hynds, to the committee on the judiciary.

A bill to equalise the stay laws of this State, was taken up and read. Mr. Love moved to fill the blank therein with the words "sixty days." Mr. Henderson moved that it be filled with the words "ninety days" which was accepted by Mr. Love.

Mr. Morford moved the indefinite postponement of the bill, and thereupon the question was had and determined in the negative—ayes 5, noes 17.

The ayes and noes being demanded by Mr. Gordon, seconded by Mr. Morford, the affirmative voters are,

Mr. McGaughey, Morford, Robertson, Trousdale and Vernon—5.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Motley, Powell, Reagan and Rogers—17.

Mr. Johnson thereupon asked and obtained leave to withdraw the said bill for amendment.

A bill to provide for the election of Governor, Representatives in Congress, members of the General Assembly, electors to elect a President and Vice President of the United States, sheriffs, trustees, registers, clerks of the circuit and county courts, and for other purposes, was taken up and read.

Mr. Powell moved to strike out the words "6 o'clock P. M," for the purpose of inserting the words "4 o'clock P. M;" and thereupon the question was had and determined in the affirmative—ayes 11, noes 10.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Brown, Cahal, Childress, Gordon, Henderson, Hynds, McGaughey, Powell, Robertson, Rogers and Vernon—11.

The negative voters are,

Mr. Speaker Webster, Craighead, Graves, Gray, Johnson, Ledbetter, Love, Motley, Reagan and Trousdale—10.

Mr. Cahal thereupon offered an amendment in lieu of the whole bill, from the word "a bill."

Mr. Craighead moved to amend the said amendment by providing that the elections shall be held on the 1st Saturday in March instead of the 1st Thursday in April.

Mr. Hynds moved to amend by striking out the 1st Thursday in April, for the purpose of inserting the words "the Thursday preceding the 1st Monday in May;" which motion was rejected.

The question was next had upon the motion of Mr. Craighead, which was also rejected.

Mr. Ledbetter moved to strike from the original bill the words "1st Thursday in May," which motion prevailed.

Mr. Ledbetter thereupon moved to fill the blank with the words "last Saturday in March;" which motion was lost.

Mr. Henderson moved to fill the blank with the words "1st Saturday in March."

Mr. Graves asked leave to withdraw the said bill for amendment, which request was refused.

The question then recurred upon the motion of Mr. Henderson, and being thereon had it was determined in the affirmative—ayes 14, noes 8.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Love, the affirmative voters are,

Mr. Cahal, Craighead, Gordon, Gray, Henderson, Johnson, Love, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—14.

The negative voters are,

Mr. Armstrong, Childress, Graves, Hynds, Ledbetter, McGaughey, Moore and Morford—8.

The question then recurred upon the amendment of Mr. Cahal in lieu of the whole, and being thereon had it was rejected.

Mr. McGaughey then offered an amendment to the original bill in lieu of the 1st section, and the five first lines of the 2nd section thereof; which was received.

Mr. Henderson thereupon offered the following amendment, to wit: "that no spirituous liquors shall be sold or otherwise disposed of at any precinct on the day at which any election shall be held thereat, nor within half mile thereof by any person whatever, under the penalty of fifty dollars, to be recovered before any circuit judge, in the circuit court of the county where such offence may be committed, for the use of the State, and that it shall be the duty of the circuit judges to have this law read to the grand jury at each term of the court; and of the grand jury to make presentment thereof, and in case of a presentment, a prosecutor shall not be required.

Mr. Powell moved the indefinite postponement of the foregoing amendment, but before the question was had,

Mr. Graves offered the following in lieu, to wit:

"That if any person shall, on or before the day of election, give any public treat, or direct any person to do it on his behalf, with a view to obtain any vote or votes for himself or any favorite candidate, every person, so offending, shall, on conviction thereof, by presentment or indictment, be fined in a sum not exceeding one hundred dollars, and shall moreover be rendered incapable of holding any office for the term of six years." And the sense of the Senate being thereon had, the said amendment was rejected.

The question then recurred upon the indefinite postponement of the amendment of Mr. Henderson, and being thereon had it was determined in the affirmative—ayes 20, noes 3.

The ayes and noes being demanded by Mr. Love, seconded by Mr. Graves, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Robertson, Rogers, Trousdale and Vernon—20.

The negative voters are,

Mr. Cahal, Henderson and Reagan—3.

And so said amendment was indefinitely postponed.

Mr. Cahal moved to strike from said bill the 4th section thereof, which motion prevailed.

On motion of Mr. Graves the said bill was recommitted to the committee on privileges and elections.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act, to incorporate the Dresden female academy in Weakley county, and an act to re-organise the county courts in this State.

The House of Representatives have adopted a resolution appointing commissioners to lay off the county of Benton into justices and constables districts, with which they ask the concurrence of the Senate. And then he withdrew.

Whereupon the said resolution was read and concurred with.

The Speaker signed the said enrolled acts and ordered them to be deposited in the office of the Secretary of State.

And then the Senate adjourned.

THURSDAY, DECEMBER 31st, 1835.

Mr. Armstrong presented the petition of sundry citizens of Overton and Fentress counties, praying the passage of a law allowing pay for the scalps of catamounts, wild-cats and foxes; which was read and on his motion, referred to the committee on propositions and grievances.

Mr. Henderson presented the petition of sundry citizens of Haywood county, praying the repeal of the law of 1831, authorising the licensing groceries for the retailing spirituous liquors; which was read and on Mr. Ledbetter's motion, referred to the committee on ways and means.

Mr. Moore, from the committee on privileges, to whom was recommitted a bill to provide for the election of a Governor, representatives in Congress, members of the General Assembly, sheriffs, trustees, registers, clerks of the circuit and county courts, and for other purposes, reported several amendments thereto.

The said report was amended on motion of Mr. Cahal, by providing that the polls should be opened at 9 o'clock A. M., and remain open until 4 o'clock P. M., and that the sheriff or coroner holding elections for clerk, register and other county officers, shall compare the polls at the court house, on the 1st Monday after said election.

The said report was concurred with as amended.

Mr. Henderson moved further to amend said bill by adding to the 1st section thereof the following:

"And should it so happen that there should be no coroner, it shall be the duty of the chairman of the county court to appoint some suitable person to hold said election; and the sense of the Senate being thereon had, the said amendment was received.

Mr. Graves moved further to amend said bill, by adding thereto the following:

"In all cases where two or more candidates have an equal number of votes for justice of the peace or constable, the officer holding the election shall decide who is elected; and so much of an act passed at the present session of the General Assembly, as directs sheriffs to hold a second election for justices of the peace and constables, where two or more candidates receive an equal number of votes be and the same is hereby repealed; and the sense of the Senate being thereon had, said amendment was rejected.

Mr. Ledbetter thereupon offered the following in lieu of a part of the 2nd section of said bill, to wit:

"The first election for county officers shall take place on the first Saturday in March next; the second on the first Saturday in August, 1838; and forever thereafter elections shall be held once in two years, on the first Thurs-

day in August, to elect the county officers, whose terms have expired according to the provisions of the constitution."

Mr. Rogers moved to amend the foregoing amendment, by striking out the words "first Thursday in August," and inserting in lieu, "the Thursday preceding the first Monday in August."

Which motion was rejected.

The question then recurred and was had on the amendment of Mr. Ledbetter, and was determined in the negative—ayes 4, noes 19.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Craighead, Ledbetter, Powell, and Robertson—4.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Love, McGaughey, Moore, Morford, Motley, Reagan, Rogers, Trousdale and Vernon—19.

Mr. Armstrong moved to amend said bill by providing that the polls should be opened at 9 o'clock in the morning, and should close the same day.

Which motion was rejected.

On motion of Mr. Cahal, the caption of said bill was amended by striking therefrom the words "electors to elect a President and Vice President of the U. States."

On motion of Mr. Gray, all that part of the 5th section of said bill after the word "legislature," was ordered to be stricken off.

Mr. Childress moved to strike out the words "chairman of the county court;" which motion prevailing,

Mr. Trousdale moved to insert the words "the returning officer."

Which motion also prevailed.

On motion of Mr. Cahal, the last section of said bill was stricken out.

The bill was thereupon read as amended a third time; and the question, Shall the bill pass? being thereon had, it was determined in the affirmative—ayes 23.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—23.

Mr. Hynds from the committee on internal improvement, to whom was referred the petitions of sundry citizens of the counties of Greene, Cocke and Jefferson, upon the subject of removing the obstructions to navigation of French Broad river, at the Hanging Rock, in Sevier county—reported that the committee have had the same under consideration; requested to be discharged from the further consideration, and asked and obtained leave to withdraw the same, for the purpose of delivering them to the representatives from the said several counties.

Mr. Childress introduced a bill to establish the Franklin Bank of Tennessee; which was read a first time and passed.

A bill to incorporate the Pleasant Grove Academy in Maury county, was read a third time and passed.

A message from the House of Representatives, insisting upon a concurrence with their resolution apportioning the acts and journals among the several counties in this State, was taken up and read, and again non-concurred with.

Ordered, That the clerk acquaint the House of Representatives therewith.

A bill from the House of Representatives for the benefit of John Austin and others, was read a first time, passed, and referred on motion of Mr. Powell to the committee on claims.

A bill from the House of Representatives to amend the penal laws of this State; and a bill to authorise the sale of a part of the public square in towns in certain cases, were severally read a first time and passed.

A bill to authorise the county courts to grant the privilege of building mill dams, bridges and such other local and private improvements as are contemplated by the 7th and 8th sections of the 11th article of the constitution of this State, was taken up and read.

Mr. Brown moved to strike therefrom the 12th section thereof.

Mr. McGaughey offered the following proviso, as an amendment to the said 12th section, to wit:

"Provided said person take an oath that the goods, wares or merchandise to be sold are for his own use, and the profits arising therefrom are not for the use or benefit of any person whatever."

And the sense of the Senate being thereon had, the said amendment was received.

Mr. Reagan moved to strike from said section the words "seven hundred and fifty dollars," for the purpose of inserting the words "five hundred dollars;" which motion was rejected.

The question then recurred upon the motion of Mr. Brown to strike out the said section, and being thereon had, it was determined in the negative—ayes 8, noes 13.

The ayes and noes being demanded by Mr. Brown, seconded by Mr. Cahal, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, and Ledbetter—8.

The negative voters are,

Mr. Speaker Webster, Graves, Hynds, Johnson, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—13.

Mr. Childress offered the following additional amendment to the said 12th section, to wit:

Provided furthermore, that he shall make oath that no person is either directly or indirectly interested in said business in the goods, or means of purchasing the same, or by way of interest on the capital so vested in said merchandise.

And thereupon the question was had, and determined in the affirmative—ayes 12, noes 10.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Gordon, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Ledbetter, Moore, Motley, and Reagan—12.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Johnson, McGaughey, Powell, Robertson, Rogers, Trousdale and Vernon—10.

Mr. Speaker Webster (then on the floor) moved to amend the third section of said bill by inserting the following after the word "shall" in the 17th line thereof, to wit:

Appoint three commissioners unconnected either by affinity or consanguinity with the contractor or contractors for the performing or completing said work.

And the sense of the Senate being thereon had, the said amendment was received.

Mr. Henderson moved the following amendment to the said bill, to wit:

And that no free ferry or bridge shall be established or kept up (if established on the same stream), within less than one mile of any ferry or bridge which has been or may hereafter be established by law, unless by application to the county court of the county in which such lawfully established bridge or ferry may be situated. And said court shall have power to grant such privilege, if in their judgment the public good require it. But nothing in this act shall be so construed as to prevent individuals from keeping a boat or other water craft for their own private use. And should any person or persons, erect, establish or keep up any free ferry or bridge contrary to the provisions of this act, such person or persons shall forfeit and pay the sum of five dollars for each person who may cross at the same, to be recovered before a justice of the peace, at the suit of the party injured thereby.

And after some discussion had thereon, Mr. Speaker Webster (then on the floor) moved an adjournment—and thereupon the question was had, and determined in the affirmative—ayes 13, noes 10.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Gray, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Craighead, Gordon, Graves, Henderson, Johnson, Ledbetter, Moore, Powell and Rogers—13.

The negative voters are,

Mr. Childress, Gray, Hynds, Love, McGaughey, Motley, Reagan, Robertson, Trousdale and Vernon—10.

The Senate then adjourned.

FRIDAY, JANUARY 1st, 1836.

Mr. Ledbetter from the committee on enrollments, reported as correctly enrolled, an act giving further time of two years for the making of surveys and obtaining grants and entries under the act of 1819, chapter 1, and the acts subsequent thereto; and an act to repeal part of an act passed at Nashville on the first day of November 1833, chapter 96, entitled an act to extend the corporation of the town of Bolivar, in Hardeman county.

The speaker of the Senate signed said enrolled acts.

Ordered, that they be transmitted to the House of Representatives.

The Senate resumed the consideration of the amendment of Mr. Henderson to the bill to authorise the several county courts in this State to grant the privilege of building bridges, mill dams, and such other local and private improvements as are contemplated by the 1st and 8th sections of the 11th article of the constitution of Tennessee. And the sense of the Senate being thereon had, it was determined in the negative—ayes 10, noes 12.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Reagan, those who voted in the affirmative are,

Mr. Speaker Webster, Brown, Cahal, Henderson, Hynds, Johnson, Ledbetter, Morford, Powell and Robertson—10.

The negative voters are,

Mr. Armstrong, Childress, Graves, Gray, Love, McGaughey, Moore, Motley, Reagan, Rogers, Trousdale and Vernon—12.

Mr. Henderson moved the following amendment to the fourth section of said bill, to wit:

Provided that said county courts may grant privileges of building mill dams across navigable streams, provided that the owner or owners thereof will erect and keep up locks in such manner that all boats and water crafts can pass safely and without unnecessary delay.

And the sense of the Senate being thereon had, the said amendment was rejected.

Mr. Ledbetter moved to amend said bill by striking out the word "fifty" in the sixteenth line of the 6th section, for the purpose of inserting the words "twenty-five." Which motion prevailed.

Mr. Henderson moved to amend the fourth section of said bill by striking therefrom the following, to wit:—Or direct the removal of all such fish-traps and fish dams as in the opinion of the court forms an obstruction to the navigation. And the sense of the Senate being thereon had, it was determined in the negative—ayes 00, noes 24.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. McGaughey, there being no affirmative voters, those who voted in the negative are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—24.

The question then recurred upon the passage of the bill; and the question being had thereon, Shall the bill pass? it was determined in the affirmative, ayes 20, noes 4.

The constitution requiring the ayes and noes to be taken, those who voted in the affirmative are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Trousdale and Vernon—20.

Those who voted in the negative are,

Mr. Cahal, Henderson, Motley and Rogers—4.

So said bill passed its third reading.

Mr. Trousdale introduced a bill to provide for the compensation of the members of the next General Assembly, in pursuance of the 23d section of the second article of the constitution.

Which was read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:- The House of Representatives propose a committee of conference on the resolution apportioning the acts and journals among the several counties in this State. They propose several amendments herewith transmitted to the bill to establish the county of Johnson, with which they ask the concurrence of the Senate. And then he withdrew.

The Senate agreed to the proposition to appoint a committee of conference on the resolution apportioning the acts and journals among the several counties in this State, and appointed Mr. Craighead and Mr. Childress to be of the said committee on their part.

The Senate concurred with the amendments to the bill to establish the county of Johnson, except so much thereof as proposed to strike out the words "Johnson, in honor of Thomas Johnson," and insert in lieu, the words "Taylor, in honor of Col. James P. Taylor;" and so much as proposed to strike out the words "Decatur," and insert in lieu the words "Johnsonville, in honor of Thomas Johnson, deceased, late of Carter county."

Mr. Love submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in the hall of the House of Representatives on the 8th day of this month, to hear an address in commemoration of the battle of New Orleans.

Resolved, That Jacob S. Yerger be requested to deliver an address to the two houses of the General Assembly of the State of Tennessee, on the 8th inst., in the hall of the House of Representatives, in commemoration of the victory of New Orleans, on the 8th of January, 1815.

Resolved, That be appointed to wait on Jacob S. Yerger, and request his acceptance of the invitation.

A bill ascertaining what property in this State shall be taxable, and of the mode or manners of valuing the same, and of collecting the revenue of the State, was on Mr. Trousdale's motion made the order of the day for Tuesday next.

Mr. Graves introduced a bill to repeal the 2d and 7th sections of an act passed December 21st, 1831, entitled an act requiring the acts of a public and general nature, of the General Assembly of the State, to be bound.

Which was read a first time and passed.

Mr. Robertson asked and obtained leave to withdraw for amendment, a bill to incorporate the West Tennessee male and female academies.

Mr. Childress submitted the following:

Whereas, under the constitution of this State, the present General Assembly is required to levy a tax upon the advalorem system; and whereas it is unknown to this legislature what the state of the Treasury is up to the present year; and whereas by law the clerks of the several counties in the State

are required to make their reports to the Treasurers of the division for which said Treasurer or Treasurers are appointed ere this, giving the amount properly chargeable to the sheriffs of the several counties, also the amount chargeable to the clerks, &c.: Therefore,

Resolved, That the Treasurers of East Tennessee, the Treasurers of the Western District, and of the Middle Division, be requested to report to the Senate the amount of receipts into their department for the year 1835.

On motion of Mr. Childress, the rule requiring resolutions to lie one day on the table was suspended, and the resolution adopted.

Mr. Ledbetter from the judiciary committee, reported a bill to provide for the employment of counsel in behalf of the State vs. James Foreman.

Which was read a first time and passed.

Mr. Johnson returned a bill withdrawn by him for amendment, to equalise the stay laws of this State, with an amendment in lieu of the whole bill from the enacting clause, to wit:

Section 1. That all debts and contracts within the jurisdiction of a justice of the peace, made or entered into from and after the first day of March next, and under the sum of fifty dollars, upon which judgment may be rendered by a justice of the peace, upon good and sufficient security being given, to be judged of by the justice, that execution shall not issue upon said judgment until the expiration of days; and upon all sums over fifty dollars and under one hundred dollars, within the jurisdiction of a justice of the peace, upon security being given as provided for by the preceding part of this act, execution shall not issue thereupon until after the expiration of days, unless by consent of the parties; in which case it shall be the duty of the justice of the peace to enter the same on his docket.

Section 2. Be it enacted, that all laws and parts of laws authorising the stay of executions, inconsistent with the provisions of this act, be and the same are hereby repealed.

Mr. Johnson moved to fill the first blank in the foregoing amendment with the word "sixty."

Mr. Hynds moved to fill the same with the word "ninety;" which motion having precedence, the question was thereon had, and determined in the affirmative—ayes 12; noes 11.

Mr. Hynds called for the ayes and noes, seconded by Mr. Reagan. Those who voted in the affirmative are,

Mr. Speaker Webster, Armstrong, Brown, Graves, Henderson, Hynds, Love, Moore, Morford, Powell, Trousdale and Vernon—12.

Those who voted in the negative are,

Mr. Cahal, Childress, Craighead, Gray, Johnson, Ledbetter, McGaughey, Motley, Reagan, Robertson and Rogers—11.

Mr. Hynds moved to fill the second blank in the foregoing amendment with the words "nine months;" and the question being thereon had, it was determined in the negative—ayes 6, noes 17.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Love, those who voted in the affirmative are,

Mr. Speaker Webster, Armstrong, Hynds, Love, Morford & Trousdale—6.

Those who voted in the negative are,

Mr. Brown, Cahal, Childress, Craighead, Graves, Gray, Henderson, Johnson, Ledbetter, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers and Vernon—17.

Mr. Craighead moved to lay said bill and amendment on the table; which motion failed.

Mr. Trousdale moved the indefinite postponement of said bill and amendment; and the question being thereon had, it was determined in the negative—ayes 6, noes 18.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Brown, those who voted in the affirmative are,

Mr. Armstrong, Hynds, McGaughey, Morford, Trousdale and Vernon—6.

Those who voted in the negative are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Love, Moore, Motley, Powell, Reagan, Robertson and Rogers—18.

Mr. Hynds moved to fill the said second blank with the words "eight months;" which motion was rejected.

Mr. Hynds thereupon moved to fill the blank with "seven months;" and the question being thereon had, it was determined in the negative—ayes 8, noes 15.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Morford, those who voted in the affirmative are,

Mr. Speaker Webster, Armstrong, Hynds, Love, McGaughey, Morford, Trousdale and Vernon—8.

Those who voted in the negative are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Moore, Motley, Reagan, Rogers and Robertson—15.

Mr. Morford moved to fill the blank with "six months;" which motion was rejected.

Mr. Love moved to fill said blank with "five months;" which motion was rejected.

Mr. Ledbetter thereupon moved to lay said bill and amendment on the table; which motion failed.

Mr. Love moved to fill the blank with "four months;" and the question being thereon had, it was determined in the negative—ayes 9, noes 15.

The ayes and noes being demanded by Mr. Love, seconded by Mr. Gordon, those who voted in the affirmative are,

Mr. Speaker Webster, Armstrong, Graves, Hynds, Johnson, Love, McGaughey, Reagan and Trousdale—9.

Those who voted in the negative are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Ledbetter, Moore, Morford, Motley, Powell, Robertson, Rogers and Vernon—15.

Mr. Gordon moved to fill the blank with the words "ninety days;" and the question being thereon had, it was determined in the affirmative—ayes 13, noes 10.

The ayes and noes being demanded by Mr. Morford, seconded by Mr. Love, those who voted in the affirmative are,

Mr. Speaker Webster, Brown, Cahal, Craighead, Gordon, Graves, Gray, Henderson, Love, Moore, Powell, Reagan and Rogers—13.

Those who voted in the negative are,

Mr. Childress, Hynds, Johnson, Ledbetter, McGaughey, Morford, Motley, Robertson, Trousdale and Vernon—10.

Mr. Trousdale offered the following amendment in lieu of the amendment of Mr. Johnson, to wit:

"Be it enacted by the General Assembly of the State of Tennessee, That all laws and parts of laws in force and use in this State, upon the subject of staying the collection of judgments rendered by justices of the peace on contracts entered into after the first day of March next, be and the same are hereby repealed."

And the sense of the Senate being thereon had, said amendment was rejected—ayes 3, noes 21.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Hynds, those who voted in the affirmative are,

Mr. Cahal, Craighead and Trousdale—3.

Those who voted in the negative are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers and Vernon—21.

Mr. Love moved to fill the blank in the original bill with the word "ninety;" which motion prevailed.

The question then recurred upon the adoption of the amendment offered by Mr. Johnson. And the sense of the Senate being thereon had, said amendment was rejected—ayes 5, noes 19.

The ayes and noes being demanded by Mr. Morford, seconded by Mr. Hynds, those who voted in the affirmative are,

Mr. Craighead, Johnson, Ledbetter, Love and Powell—5.

Those who voted in the negative are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, McGaughey, Moore, Morford, Motley, Reagan, Robertson, Rogers, Trousdale and Vernon—19.

Mr. Hynds moved to strike out the enacting clause of said bill. And the sense of the Senate being thereon had, it was determined in the negative—ayes 7, noes 17.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Reagan, those who voted in the affirmative are,

Mr. Armstrong, Hynds, McGaughey, Morford, Motley, Reagan and Vernon—7.

Those who voted in the negative are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Love, Moore, Powell, Robertson, Rogers and Trousdale—17.

The question then recurred upon the passage of the bill, and the question, Shall the bill pass? being thereon had, it was determined in the negative—ayes 12, noes 12.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Morford, those who voted in the affirmative are,

Mr. Speaker Webster, Brown, Cahal, Craighead, Gordon, Graves, Gray, Henderson, Love, Moore, Powell and Rogers—12.

Those who voted in the negative are,

Mr. Armstrong, Childress, Hynds, Johnson, Ledbetter, McGaughey, Morford, Motley, Reagan, Robertson, Trousdale and Vernon—12.

So said bill was rejected upon its second reading.

Mr. Speaker Webster (then on the floor) returned a bill withdrawn by him for amendment, to establish the county of Powell, in honor of Samuel Powell, one of the judges of the circuit courts, together with an amendment heretofore offered by Mr. Powell to said bill, with an amendment in lieu of the amendment of Mr. Powell; which amendment was accepted by Mr. Powell.

After some time spent in the discussion of said amendment, Mr. Powell asked and obtained leave to withdraw the same from the further consideration of the Senate.

The bill was thereupon read a third time; and the question, Shall the bill pass? being thereon had, it was determined in the affirmative—ayes 20, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Gordon, Graves, Gray, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—20.

The negative voter is Mr. Childress—1.

A message from the House of Representatives by Mr. Mitchell, their clerk:

Mr. Speaker: The speaker of the House of Representatives did this day sign enrolled acts of the following titles, to wit: An act to incorporate the inhabitants of the town of Clinton, in the county of Anderson; an act to repeal an act entitled an act to incorporate the inhabitants of the town of Tazewell, passed 21 January, 1830; an act authorising the sale of the Memphis hospital, and for other purposes; and an act to authorise the commissioners of internal improvement of Henry county to contract for building a bridge across main Sandy river, at or near Bond's ferry, where the road leading from Paris to Charlotte by way of Lagrange furnace in Stewart county crosses the same.

The speaker of the House of Representatives did also this day sign an enrolled resolution appointing commissioners to lay off the county of Benton into justices' and constables' districts; and then he withdrew.

Whereupon the speaker of the Senate signed said enrolled acts and resolution, and ordered them to be deposited in the office of Secretary of State.

A message from the House of Representatives proposing to change the name of the county of Johnson to that of Taylor, in honor of Col. James P. Taylor, deceased, late of Carter county, was taken up and read; and the question of concurrence being thereon had, it was determined in the negative—ayes 9, noes 14.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Craighead, Gordon, Graves, Hynds, Love and McGaughey—9.

The negative voters are,

Mr. Speaker Webster, Gray, Henderson, Johnson, Ledbetter, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—14.

The Senate then adjourned.

SATURDAY, JANUARY 2d, 1836.

Mr. Ledbetter moved the re-consideration of the vote of yesterday, rejecting a bill to equalise the stay laws of this State; which motion prevailing,

Mr. Cahal moved the re-consideration of the vote rejecting the amendment of Mr. Johnson to said bill.

The bill and amendment were then on motion of Mr. Ledbetter, ordered to the table.

Mr. McGaughey asked and obtained leave to withdraw for amendment, a bill dividing the State into districts for the purpose of electing electors to vote for President and Vice President.

A bill to incorporate the town of La Grange, in the county of Fayette, was read a second time and passed.

A bill from the House of Representatives to incorporate the Cincinnati and Charleston rail road company, was read a first time and passed.

A bill to repeal the 2d and 7th sections of an act passed December 21st, 1831, entitled an act requiring the acts of a public and general nature of the General Assembly of the State to be bound, was taken up.

Mr. Graves moved to amend said bill by striking from the caption and body of said bill the words, "and seventh," wherever they occur, which motion prevailed.

Whereupon said bill was read as amended a second time and passed.

Mr. Craighead, from the committee on the judiciary, to whom was referred a petition of Alla, a free woman of color, praying the passage of a law authorising the county court of Sullivan, to free her husband and five children, by her giving bond and good and sufficient security for the good behaviour of said persons, and that they be allowed to live within this State; reported that the committee have had the same under consideration, and had instructed him to report the prayer of the petitioner unreasonable.

Said report was concurred with.

Mr. Craighead from the same, to whom was referred a bill from the House of Representatives to provide for adjusting the controversy between the State and the Union Bank, reported that the committee have had the same under consideration, think the provisions thereof unreasonable, and had instructed him to recommend the rejection of the bill.

On motion of Mr. Cahal, said bill was recommitted to the judiciary committee, with instructions to report a bill in lieu thereof.

Mr. Craighead from the same, to whom was referred a bill from the House of Representatives to prescribe the mode of publishing the decisions of the supreme court, reported that the committee have had the same under consideration, and had instructed him to recommend that the 3d and 4th sections of the bill be stricken out, and with that amendment the passage of the bill.

Said report was concurred with, the bill read as amended a second time, passed, and on motion of Mr. Hynds, he had leave to withdraw the same for amendment.

Mr. Moore submitted the following:-

Resolved, by the General Assembly of the State of Tennessee, That the committee on military affairs of both branches of the Legislature be made a joint committee for the purpose of revising and amending the militia laws of this State.

The rule requiring resolutions to lie one day on the table, was on Mr. Moore's motion suspended, and the resolution adopted.

Mr. Trousdale submitted the following:-

Resolved, That a committee of two be appointed to contract for the printing of fifty copies of the constitution of the State of Tennessee, for the use of the Senate.

Mr. Powell submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That James Keys, Mathias M. Wagner, Ezekiel Smith, John K. Ensor and James B. Morely, be and they are hereby appointed commissioners to lay off the county of Johnson into magistrates' districts; and that Christian Carriger, Taylor McNabb, Lawson White, Jeremiah Campbell and George Emert, be and they are hereby appointed for the like purpose in Carter county.

Mr. Childress offered the following as his reasons for voting against the bill to establish the county of Powell, in honor of Samuel Powell, one of the judges of the circuit courts of this State, to wit:

The undersigned having voted against the passage of the bill proposing to establish the county of Powell, out of the counties of Hawkins, Greene, Washington and Sullivan, upon its third and last reading in the Senate, under the provision in the constitution for new counties, begs leave to offer the following reasons in justification of said vote.

It will be seen under that provision or section of the constitution, that no new county shall or can be made, unless there be three hundred and fifty square miles in the bounds proposing to be laid off into a new county, and that there is a population of four hundred and fifty qualified voters therein, and that no part of an old county shall be taken to form a new county or part thereof, without the consent of a majority of the qualified voters in such part taken off; nor shall the old county or counties be reduced to less contents than six hundred and twenty-five square miles, with the exception of Sullivan and four other counties, neither of which will be found to be Washington, Greene or Hawkins; then here are the facts upon which the claim is predicated; it is upon the petition of three hundred and thirty names signed to it, all in quite a neat and good hand write, representing themselves as citizens residing in the counties of Hawkins, Sullivan, Greene and Washington, praying the General Assembly to establish by law the county of Powell as

threfore stated. These petitioners say they believe that there are four hundred and fifty square miles in the bounds set forth in the petition, and that they believe that it will not reduce the old counties under their constitutional limits; but they do not pretend to say that this belief is founded upon the fact of a survey of all or either of said counties, or any part thereof; and as to that part or clause of the constitution requiring the fact to be shown that there is four hundred and fifty qualified voters in the bounds of the new county, not a tittle of proof is shown or pretended to be shown; and equally as silent as to the fact of the consent of a majority of the voters in that part or portion of the old counties taken off having been obtained. Here, then, is the precedent to be set upon this subject of granting counties upon a bare petition, which petition does not pretend to give facts, but only the belief, &c.

The undersigned will here remark that he understands the provisions of the constitution upon the subject of new counties to be this—where an application is made for a new county, it is not only important, but essentially necessary to show that there has been an actual survey, and that there is sufficient territory, and also to show that there are four hundred and fifty qualified voters resident in said bounds proposing to be laid off into a new county; and if taken from an old county or counties, to show that there still remains in said old county or counties their constitutional limits of six hundred and twenty-five square miles, and also show the fact that it meets with the approbation of a majority of the voters thus proposed to be taken from the old counties; then, in the absence of all these facts, or the proof establishing these facts, the undersigned feels it to be his imperious duty, in obedience to the oath he has taken to support that constitution which requires these facts to appear, to vote against the passage of the bill upon its third and last reading in the Senate. At the same time, he is very far from attempting or wishing to impugn the motives of other gentlemen voting differently; for he has no doubt that they feel and believe that they are sufficiently and equally warranted in the vote they have given upon the subject.

Signed W. G. CHILDRESS.

January 2d, 1836.

Mr. Ledbetter submitted the following:

Resolved, That the judiciary committee be instructed to enquire into the expediency of amending the law in relation to the appointment of guardians, so as to require them to renew their bonds from time to time, and that they report by bill or otherwise.

Mr. McGaughey gave notice that he would on Monday next move to amend the 26th rule for the government of the Senate.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives propose an amendment herewith transmitted, to the bill authorising the stockholders of the Planter's Bank to establish a branch at Clarksville, and for other purposes; in which they ask the concurrence of the Senate. And then he withdrew.

The Senate thereupon concurred with said amendment.

And then the Senate adjourned.

MONDAY, JANUARY 4th, 1836.

Mr. Totten presented the petition of sundry citizens of Gibson county, praying to have a third battalion in the 128th regiment of Tennessee militia, which was referred on his motion to the committee on military affairs.

Mr. Ledbetter from the committee of enrollments, reported as correctly enrolled, an act authorising the stockholders of the Planters' Bank to establish a branch at Clarksville, and for other purposes.

The speaker signed said enrolled act.

Ordered, that it be transmitted to the House of Representatives.

Mr. Reagan presented the following:

JANUARY 4th, 1836.

Mr. Speaker and Gentlemen of the Senate:

With feelings of the deepest sensibility, and most unaffected gratitude for the kindness and partiality so long and so often conferred upon me by the Senate of the State of Tennessee, I beg leave to offer to you, individually, my most grateful acknowledgments, and herewith respectfully tender my resignation of principal clerk to your honorable body.

Signed WM. K. HILL.

Said resignation was accepted by the Senate.

On motion of Mr. McGaughey the Senate proceeded to elect a principal clerk to fill the vacancy occasioned by the resignation of Wm. K. Hill; and there being no opposition, Archelaus M. Hughes was unanimously elected to said appointment.

The Senate thereupon proceeded to elect an assistant clerk in the place of A. M. Hughes, appointed to the principal clerkship; and on taking the vote the first time, it appeared that James M. Howry of Hickman county, was duly and constitutionally elected.

Whereupon an oath of office was severally administered to the said clerks, by John J. Hinton, Esq. one of the acting justices of the peace in and for the county of Davidson; who thereupon severally entered upon the duties of their appointments.

Mr. Hynds submitted the following:

Whereas, by the 11th section of an act of the General Assembly of this State, passed October 8th, 1832, entitled an act to charter the Union Bank of the State of Tennessee, it is enacted as follows: That in consideration of the privileges granted by the charter, the bank agrees to pay to the State annually one half of one per cent on the amount of the capital stock paid in by the stockholders other than the State:

And whereas by the 7th section of said charter, the profits arising from the stock owned by the State in said bank, and also the *bonus* agreed to be paid by the bank of the State, for the privileges conferred by the charter, and also the interest which may from time to time accrue upon the deposites of public money by the Treasurers of the State, are by said charter appropriated to the use of common schools in this State, to be divided among the counties in proportion to their white population; and whereas said bank has refused to pay to the State, the bonus as contemplated by the 11th section of

said charter, and has also refused to pay the profits arising from the stock owned by the State in said bank; and whereas in the opinion of the General Assembly, such refusal to pay by the bank as aforesaid, is in violation of the charter, and amounts to a forfeiture of the same: Therefore,

Resolved, by the General Assembly of the State of Tennessee, That a scire facias issue from the supreme court of errors and appeals in the name of the State of Tennessee, calling upon said corporation to appear before said court at the next term thereof, to be held at the court house in Nashville, on the first Monday of March, 1836, to show cause if any they have, why the charter granted to said corporation should not be declared forfeited, as specified by the 23d section of said charter.

Mr. Cahal introduced a bill to prohibit the drawing of lotteries, and the vending of lottery tickets; which was read a first time and passed.

Mr. Robertson submitted the following:

Resolved, That the State of Tennessee is indebted to Wm. K. Hill, late clerk of the Senate, five hundred and fifty-two dollars, for his services as clerk aforesaid ninety-two days.

The rule requiring resolutions to lie one day on the table, was on Mr. Robertson's motion suspended, and the resolution adopted.

Mr. Morford introduced a bill to postpone the January term, 1836, of Franklin county circuit court.

Which was read a first time and passed.

Mr. Hynds returned a bill withdrawn by him for amendment, to prescribe the mode of publishing the decisions of the supreme court, with sundry amendments thereto, which were read.

On motion of Mr. McGaughey, said bill and amendments were ordered to the table.

Mr. Hynds submitted the following:

Whereas, by an act of the General Assembly passed December 15th, 1831, it is made the duty of the reporter of the decisions of the supreme court, to furnish each county court of the State with a copy of said reports gratis: Therefore,

Resolved, by the General Assembly of the State of Tennessee, That George S. Yerger, Esquire, reporter of the State, be requested to report to this General Assembly which of the county courts of the State has been furnished by him with a copy of said reports, and how many volumes, and what county courts in the State, if any, have not been furnished with a copy of said reports, and the reason why they have not.

On motion of Mr. Craighead, the message from the House of Representatives proposing sundry amendments to the bill establishing chancery courts, was taken up and read.

Mr. McGaughey moved to refer said amendments to the judiciary committee.

Mr. Hynds moved to lay the same upon the table; which motion having precedence, the sense of the Senate was thereon had, and rejected.

The question then recurred upon Mr. McGaughey's motion to refer to the judiciary committee.

Which motion prevailed.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. Speaker: The speaker of the House of Representatives did this day sign an enrolled act entitled an act to incorporate the Lagrange and Memphis rail road company. And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled act, and ordered it to be deposited in the office of the Secretary of State.

Mr. McGaughey submitted the following as an amendment to the 26th rule for the government of the Senate, to wit:

And any motion after the clerk has commenced calling the Senate be considered out of order.

And then the Senate adjourned.

TUESDAY, JANUARY 5th, 1836.

Mr. Craighead from the judiciary committee to whom was referred the message from the House of Representatives proposing amendments to a bill to establish chancery courts, reported an amendment in lieu of that part of the proposed amendment to the bill by the House of Representatives, in lieu of the 4th section of the original bill.

Mr. Armstrong moved to amend said report by giving the citizens of White county the right to file their bills either in the chancery court at Livingston or at McMinnville, as they may think proper; which was adopted.

Mr. Gordon moved further to amend said report by adding the county of Hickman to the district composed of the counties of Dickson and Humphreys; which motion prevailed.

Mr. Ledbetter moved to lay the said report upon the table; which motion was rejected.

The question then recurred upon the adoption of the report of the judiciary committee; and the question being thereon had, it was adopted.

The Senate thereupon concurred with the remaining part of the message—ayes 16, noes 8.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Graves, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Love, McGaughey, Motley, Robertson and Totten—16.

The negative voters are,

Mr. Graves, Ledbetter, Moore, Morford, Powell, Reagan, Trousdale and Vernon—8.

Ordered, That the clerk acquaint the House of Representatives therewith.

Mr. Craighead from the same, to whom was re-committed a bill establishing circuit courts, reported that the committee have had the same under consideration, and had instructed him to report the same without amendment, and to recommend the passage of the bill.

Mr. Ledbetter moved to strike out the words "eleven Judges," and insert "ten Judges," wherever it occurred in the bill.

And the sense of the Senate being thereon had, said motion was rejected—ayes 8, noes 16.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Hynds, the affirmative voters are,

Mr. Armstrong, Graves, Hynds, Ledbetter, McGaughey, Moore, Motley and Vernon—8.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Love, Morford, Powell, Reagan, Robertson, Totten and Trousdale—16.

Mr. Totten moved to strike out the following from the 20th section of the bill, to wit:—"They shall have such jurisdiction as the circuit courts that were in existence at the passage of this act had or could exercise."

And the sense of the Senate being thereon had, it was determined in the affirmative—ayes 17, noes 7.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Love, Moore, Morford, Motley, Robertson, Totten and Trousdale—17.

The negative voters are,

Mr. Armstrong, Graves, Hynds, Love, Powell, Reagan and Vernon—7.

The bill as amended was read a second time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives concur in the amendment of the Senate to the amendment proposed by the House of Representatives to the bill to establish chancery courts. They also concur in the amendment proposed by the Senate to the bill to incorporate the trustees of Pleasant Grove Academy in Maury county. And then he withdrew.

Mr. Vernon from the committee on new counties and county lines, reported a bill to establish the county of

Mr. Johnson moved to fill up the blank with the name of Gordon, in honor of Capt. John Gordon; which motion prevailed.

The bill was thereupon read a first time and passed.

A bill to postpone the time of holding the January term, 1836, of Franklin county circuit court, was read a second time and passed.

Mr. McGaughey returned a bill withdrawn by him for amendment, dividing the State into districts for the purpose of electing electors of President and Vice President, with an amendment thereto.

On motion of Mr. Cahal, said bill and amendment were ordered to the table.

Mr. Cahal introduced a bill to establish the county of Marshall, in honor of John Marshall, late Chief Justice of the United States; which was read a first time and passed.

Mr. Cahal moved to refer said bill and sundry memorials accompanying it to a select committee.

Mr. Speaker Webster (then on the floor) moved to amend said motion by adding thereto the following, to wit:

"And that said committee be and they are hereby instructed to examine and report forthwith, the constitutionality, practicability and expediency of extending the said county of Marshall north of Duck river to the Williamson county line, or further if necessary; and that said committee have leave to report by bill or otherwise; which motion prevailing, the motion of Mr. Cahal, as amended, was thereupon agreed to by the Senate.

The chair thereupon appointed Mr. Cahal, Moore, Childress, Henderson and Powell to be of said committee.

A bill to prohibit the drawing of lotteries, and the vending of lottery tickets, was taken up, read a second time and passed.

A bill to lay off the State into solicitorial districts and for other purposes, was taken up, read a 2nd time and passed.

Mr. Hynds asked and obtained leave to withdraw the same for amendment.

Mr. Henderson introduced a bill giving further time to locate the county seat of the county of Lauderdale; which was read a first time and passed.

Mr. Reagan submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That no bills shall be introduced or reported in either branch of the legislature, after the 20th instant, and that the present session of the General Assembly shall terminate on Thursday the 4th day of February next.

A bill to incorporate the town of Lagrange in the county of Fayette, was read a third time and passed.

Mr. Powell offered the following as his reasons for moving to non-concur with a part of the message of the House of Representatives in relation to their proposed amendment to the bill to establish the county of Johnson, to wit:

The undersigned, having obtained leave to spread upon the journal, his reasons for moving the Senate to non-concur with so much of the message from the House of Representatives as proposes to change the name of Johnson to that of Taylor county, in honor of Col. James P. Taylor deceased, respectfully submits the following considerations.

Had the undersigned been placed in a situation which would allow him to act in accordance with his own feelings and inclinations, no circumstance could have afforded him greater pleasure than to agree to the alteration proposed by the House of Representatives. No man was more honored and respected by the community in which he lived than Col. Taylor; and the loss of no one, so far as his acquaintance extended, has ever been more sincerely and universally deplored. Possessing talents of no ordinary character, his liberal and generous feelings, his exuberant wit, and never-failing humor, enabled him to enchain the affections of all who came within the sphere of his intercourse.

No one more sincerely appreciated the various excellencies of his character, or had a better opportunity to mark its distinctive traits than the undersigned. It was by the influence, and at the solicitation of Col. Taylor, that

I became a citizen of the county of Carter. The friendship which has subsisted between us before, continued with renewed and uninterrupted ardor until his lips were sealed in the silence of death. That event, coming as it did, prematurely and unexpected, created universal sadness in the society where he was known. I, too, was a sincere mourner at his loss, as I never had a better friend. So long as memory continues to last, I shall cherish the liveliest recollection of the many acts of favor and kindness which it was my fortune to receive at his hands. Esteem for so sincere and devoted a friend—regard for his numerous and highly respectable family connections, many of whom I have the honor to rank as my friends, and the pleasure of being acquainted with as neighbors, would under other circumstances have influenced me in the selection of a name for the county intended to be established, to give it the one which is proposed. I should have been willing to see an appellation agreed to, which would cause the memory of my friend to be as permanent as the rushing torrents or the cloud-capped mountains of the county which is intended to bear it. As the greater portion of our counties and towns have been called after the mighty or the worthy dead, knowing as I did the worth of Col. Taylor, I should cheerfully have assisted in conferring upon his memory a distinction so honorable.

But in the discharge of my duties here, I feel that all my personal inclinations should be controlled by the will of my constituents. I believe their wishes and not my own, should be consulted upon all subjects which do not involve a difference of opinion in reference to the construction of the Constitution. I acknowledge their right to express their will upon every question connected with my duties here; and when expressed, consider it my imperious duty either to obey their instructions or resign the trust with which they have honored me.

It will be recollected that so great a regard was had by the recent Convention for the interest and convenience of that portion of the citizens of Carter who were desirous to establish a new county, that in the amended constitution special provision was made for its organization, in conformity with their wishes.

In the memorial which they addressed to the present legislature, it will also be remembered that we were requested to give the county the name of Johnson, in honor of a worthy and respectable citizen who spent his life in that part of the county.

The bill passed in the Senate agreeably to their request, and without any proposition to give the county a different name. It was returned from the House of Representatives with the alteration which has occasioned these remarks. Painful as was the duty, I conceived that I should do injustice to that portion of my constituents who are interested in this matter, if I did not make an effort to restore the bill to its original shape. The task to me was as delicate as it was painful, owing to the relation in which I stood as a friend to Col. Taylor, and the situation I occupy, as well towards his relations as to those who reside within the limits of the contemplated new county. Many of those relations, as well as many of the memorialists, I have been proud to consider my friends; under these circumstances, I have endeavored to throw aside all personal considerations, and to follow the dictates of duty.

The request of the citizens immediately interested, came here, so far, at least, as their representatives are concerned, under the authoritative sanction of the names of their constituents, and I, as one of those representatives, have not only been unwilling to disregard it, but believed myself imperiously required to use every exertion in my power to have their wishes respected.

The people who reside within the limits of the county intended to be organised are certainly more interested in the matter, than the citizens of any other section could be. They, as well as others, entertain their partialities and anxieties, and would not confer a tribute of respect to the memory of an unworthy man.

They had all known or been acquainted with the character of Mr. Johnson, who was one of the oldest settlers of the county, and had doubtless sustained through life the character of an honest man. He was the neighbor and fellow citizen of the most of the memorialists; they had cherished the recollection of his virtues, and were disposed to confer a mark of respect upon his memory.

My reasons for endeavoring to accomplish their desires, have been hastily assigned, and however greatly I may regret the occasion which has produced them, I trust they will be satisfactory to all who may feel an interest in the subject.

Signed JOSEPH POWELL.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives insist upon a concurrence, with their first and third amendments by them proposed to the bill to establish the county of Johnson. And then he withdrew.

The said amendments being read, it was ordered on motion of Mr. Powell, that a committee of conference be appointed on the propriety of the adoption of said amendments.

The speaker appointed Mr. Robertson, Ledbetter and Johnson to be of said committee on the part of the Senate.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Morford submitted the following:

Resolved, That the Senate meet the House of Representatives in their hall on Friday next, the 8th instant, for the purpose of electing three chancellors for the State.

Mr. McGaughey submitted the following:

Resolved, That the public printer be directed to print one hundred copies of the act re-organising the county courts in this State; one copy of which shall be sent to the clerk of each county court and said copy shall be officially certified by the Secretary of State.

On motion of Mr. McGaughey, the rule requiring resolutions to lie one day on the table, was suspended.

Mr. Johnson moved to strike out one hundred, for the purpose of inserting two hundred.

Which motion prevailed.

The resolution as amended was read and adopted.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The speaker of the House of Representatives did this day sign an enrolled act entitled an act to amend the acts of 1825, chapter 37. And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled act, and [ordered] it to be deposited in the office of Secretary of State.

The Senate then adjourned.

WEDNESDAY, JANUARY 6th, 1836.

Mr. Childress from the committee on ways and means, to whom was referred a bill to repeal an act to tax retailers of spirituous liquors, and to appropriate the monies arising therefrom to the use of common schools, reported the same without amendment, and asked and obtained leave for the committee to be discharged from the further consideration of the same.

The bill was thereupon on motion of Mr. Childress, ordered to the table.

Mr. Hynds from the committee on internal improvement, to whom was referred a bill to improve the navigation of Watauga river in Carter county, reported that the committee have had the same under consideration, and had instructed him to report the same without amendment, and to ask to be discharged from its further consideration. Which request was granted.

Mr. McGaughey offered the following amendment to the bill to wit:

Be it enacted, That two thousand dollars be appropriated to cleaning out the obstructions to the navigation of Nolichucky and Holstan rivers, to be equally divided between said rivers; and that commissioners be appointed to superintend the application of said sum, in the best possible manner, in the cleaning out the obstructions to navigation in said rivers.

Mr. Reagan offered the following amendment to said bill, to wit:

Be it further enacted, That the sum of two thousand dollars be appropriated to the clearing out the obstruction to navigation in the Little Tennessee river.

The bill and amendments were on Mr. Cahal's motion, ordered to the table.

Mr. Ledbetter from the committee on enrollments, reported as correctly enrolled, an act to incorporate the town of Dyersburg, in the county of Dyer.

The speaker thereupon signed said enrolled act, and ordered that it be transmitted to the House of Representatives.

Mr. Moore presented sundry memorials from the citizens of Giles county, adverse to the establishment of the county of Marshall; which were referred on his motion to the select committee on the county of Marshall.

On motion of Mr. Powell, the bill to incorporate the Cincinnati and Charleston rail road company, was taken up and referred to the committee on internal improvement.

A bill to postpone the January term, 1836, of the Franklin county circuit court, was taken up and read.

On motion of Mr. Morford, he had leave to withdraw the same for amendment.

A bill to establish the county of Gordon, in honor of Capt. John Gordon, was taken up and read a 2d time.

Mr. Gray moved to lay said bill on the table; which motion was rejected.

The question then recurred upon the passage of the bill; and the sense of the Senate being thereon had, said bill was passed a second time.

A bill giving further time to the commissioners appointed by the General Assembly to locate the county site of Lauderdale county, and for other purposes, was taken up, read a 2d time and passed.

On motion of Mr. Vernon, the Senate took up a bill to provide for the employment of counsel in behalf of the State vs. James Foreman.

Mr. Trousdale moved the indefinite postponement of the bill; and the sense of the Senate being thereon had, said motion was rejected—ayes 11, noes 14.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Powell, the affirmative voters are,

Mr. Brown, Henderson, Johnson, Love, Morford, Motley, Powell, Robertson, Rogers, Totten and Trousdale—11.

The negative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Ledbetter, McGaughey, Moore, Reagan & Vernon—14

Mr. Craighead moved to amend the first section of the bill by striking therefrom the words "and required;" which motion prevailed.

Mr. Johnson offered the following as an amendment to the second section, to wit:—"Provided that the fee given to the counsel that may be employed, does not exceed one hundred dollars,"

Which amendment was adopted.

The bill was thereupon read as amended a second time; and the question, Shall the bill pass? being thereon had, it was determined in the negative—ayes 9, noes 15.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Powell, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Craighead, Gordon, Graves, Hynds, McGaughey, Reagan and Vernon—9.

The negative voters are,

Mr. Brown, Childress, Gray, Henderson, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell, Robertson, Rogers, Totten and Trousdale—15.

So said bill was rejected.

Mr. Morford returned a bill withdrawn by him for amendment, to postpone the January term, 1836, of the Franklin county circuit court, with an amendment in lieu thereof from the words "a bill."

Which was accepted by the Senate.

The bill was read as amended a third time; and the question, Shall the bill pass? being had, it was determined in the affirmative—ayes 18, noes 7.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Craighead, Gordon, Hynds, Johnson,

Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Totten and Trousdale—18.

The negative voters are,

Mr. Speaker Webster, Cahal, Graves, Gray, Henderson, Rogers, and Vernon—7.

Mr. Trousdale moved to take up a bill to repeal an act passed by the General Assembly of the State of Tennessee, on the 15th December, 1831, entitled an act to tax the retailers of spirituous liquors, and to appropriate the monies arising therefrom to the use of common schools. Which motion prevailed.

He thereupon offered an amendment in lieu of the said bill, from the words "a bill."

Mr. Speaker Webster (then on the floor), asked leave to withdraw said bill and amendment for amendment; which was refused.

Mr. Powell moved the indefinite postponement of the bill and amendment.

Mr. Ledbetter moved to lay the same on the table; which motion having precedence, the question was thereon had, and carried.

So said bill and amendment were ordered to the table.

A bill to prohibit the drawing of lotteries and the vending of lottery tickets, was taken up and read a third time.

Mr. Childress moved to strike [out] the words "first of March next," at the end of the 7th section of the bill, for the purpose of inserting the words "the passage thereof," which motion was rejected.

And the question, Shall the bill pass? being thereon had, it was decided in the affirmative—ayes 24, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24—there being no voters in the negative.

Mr. Childress moved a reconsideration of the vote just taken upon the passage of the above bill.

Which motion was rejected.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives non-concur with the Senate's resolution proposing to make the military committees of the two houses a joint committee. And then he withdrew.

The Senate then adjourned.

THURSDAY, JANUARY 7, 1836.

Mr. Graves presented the petition of sundry citizens of Knox county, praying to be exempt from attending battalion and regimental musters; which was referred on his motion to the committee on military affairs.

Mr. Craighead presented the account of John Austin against the State, for work done by order of Senate; which was referred on his motion, to the committee on claims.

Mr. Hynds from the committee on internal improvement, to whom was referred a bill to amend an act passed the first day of January, 1830, entitled an act to amend an act for the benefit of the Beans' Station turnpike road, reported that the committee have had the same under consideration, and had instructed him to report the same without amendment, and to recommend its passage.

Mr. McGaughey offered the following amendment to said bill, as an additional section thereto, to wit:

Be it enacted, That all wagons and teams that may hereafter pass through the turnpike gate on said turnpike road, for the purpose of going to the Kentucky or Virginia salt-works, or returning from the said works, shall pass through said gate without paying any toll: Provided, the owner or driver of said team produce to the keeper of said gate an affidavit, sworn to before some justice of the peace in this State, stating that he is going to Kentucky or Virginia salt-works for a load or loads of salt, or returning with a load or loads of salt, as the case may be.

On motion of Mr. Cahal, said bill and amendment were ordered to the table.

Mr. Hynds from the select committee on lotteries and lottery charters, asked and obtained leave to be discharged from the further consideration of said subjects.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives concur with the Senate's message proposing a committee of conference on the amendments of the House to a bill to establish the county of Johnson, and have appointed Messrs. Williams of Carter, Ready and Thomas to be of said committee on the part of the House of Representatives.

The speaker of the House of Representatives did this day sign enrolled acts of the following titles, to wit:—An act providing for the division of Humphreys county, and to lay off the county of Benton; and an act to incorporate the trustees of Pleasant Grove Academy in Maury county.

The speaker of the House of Representatives did also this day sign an enrolled resolution apportioning the acts and journals among the several counties in this State. And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled acts and resolution, and ordered that they be deposited in the office of the Secretary of State.

On motion of Mr. Craighead, a bill to establish circuit courts, was taken up.

Mr. Graves moved to strike out "three terms" in the section of the bill, for the purpose of inserting "two terms." And the sense of the Senate being thereon had, it was determined in the negative—ayes 9, noes 16.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Love, the affirmative voters are,

Mr. Craighead, Graves, Hynds, Ledbetter, Love, McGaughey, Moore, Morford, and Reagan—9.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Gray, Henderson, Johnson, Motley, Powell, Reagan, Robertson, Totten, Trousdale and Vernon—16.

Mr. Trousdale offered the following amendment in lieu of that part of the bill which fixes the circuit of the middle division of the State, viz: "That the counties of Fentress, Overton, White, Warren and Franklin shall compose the first circuit."

The counties of Jackson, Smith, Wilson, Sumner and Robertson shall compose the second circuit.

That the counties of Rutherford, Davidson and Williamson shall compose the third circuit.

The counties of Montgomery, Stewart, Humphreys, Dickson, Hickman and Lawrence shall compose the fourth circuit.

And that the counties of Maury, Giles, Bedford and Lincoln shall compose the fifth circuit.

And the sense of the Senate being thereon had, said amendment was rejected—ayes 5, noes 20.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Morford, the affirmative voters are,

Mr. Speaker Webster, Morford, Powell, Rogers and Trousdale—5.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Motley, Reagan, Robertson, Totten and Vernon—20.

Mr. McGaughey offered the following amendment to the second section of the bill, to come in after the words "courts therein" in the twenty-seventh line of said section, to wit:

"And in case of the removal of any such Judge out of the circuit for which he is elected, his office shall be vacated thereby."

Said amendment was adopted.

On motion of Mr. Moore, the time of holding the court for Giles county, was changed from the fourth to the third Mondays of February, June and October; and

On motion of Mr. Cahal, the time of holding the courts for Lawrence county, from the third to the second Mondays of March, July and November.

Mr. Totten offered the following as an additional section to the bill, to wit.

Section . Be it enacted, That all actions of debt and all action of assumpsit for goods, wares and merchandise sold and delivered for work and labor done, and for money paid, loaned and advanced, shall be tried and determined at the first term to which said actions may be brought; provided that the defendant shall be served with a writ, and a copy of the plaintiff's declaration ten days preceding the commencement of said term; and provided also, that the court shall have power to grant time to either of the parties to plead or to continue any of said causes, or sufficient reasons made known to

the court by affidavit; and provided also, that the service of the writ without a copy of the declaration aforesaid, shall be void.

Mr. Reagan offered the following in lieu of the above amendment of Mr. Totten, to wit:

"In all cases where the writ or other process shall have been executed ten days previous to the first day of the return term, the same shall stand for trial at said return term; and the sense of the Senate being thereon had, it was rejected.

The question then recurred upon the adoption of the amendment of Mr. Totten. And the sense of the Senate being thereon had, it was adopted—ayes 18, noes 7.

The ayes and noes being demanded by Mr. Totten, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Love, McGaughey, Moore, Morford, Reagan, Rogers and Totten—18.

The negative voters are,

Mr. Speaker Webster, Ledbetter, Motley, Powell, Robertson, Trousdale and Vernon—7.

Mr. Rogers moved the re-consideration of the vote just taken upon the amendment of Mr. Totten; which motion prevailed.

Mr. Trousdale offered an amendment in lieu of the words "shall be void," in the last proviso of Mr. Totten's amendment, to wit:

"Shall place the cause upon the same footing of all other suits upon said appearance docket." Which was adopted.

Mr. Hynds offered the following as an amendment to the amendment of Mr. Totten, to wit:

"And actions of debt where a copy of the declaration has been served with the writ, ten days before the term of the court, shall have precedence of other causes, and be first tried." Which was rejected.

Mr. Ledbetter moved to strike out "ten days" in the amendment of Mr. Totten, for the purpose of inserting "thirty days."

And the sense of the Senate being thereon had, it was determined in the affirmative—ayes 14, noes 11.

The ayes and noes being demanded by Mr. Ledbetter, and seconded by Mr. Love, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Graves, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson and Vernon—14.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Rogers, Totten and Trousdale—11.

Mr. Johnson offered the following amendment as an additional proviso to the amendment of Mr. Totten, to wit:

"Provided that the provision of this section does not apply to contracts made, or for work and labor done, or for goods, wares and merchandise sold and delivered, or for money paid, loaned and advanced prior to the first day of April next."

And the sense of the Senate being thereon had, it was adopted—ayes 15, noes 10.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Love, the affirmative voters are,

Mr. Speaker Webster, Graves, Henderson, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, and Vernon—15.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Hynds, Totten and Trousdale—10.

The question then recurred upon the adoption of Mr. Totten's amendment as amended. And the sense of the Senate being had thereon, it was adopted.

Mr. Trousdale moved that said bill be engrossed before it is put upon its passage. Which motion was rejected.

Mr. Cahal moved to strike out all the 23d section of the said bill from the words "the circuit courts," in the second line of said section.

And the sense of the Senate being thereon had, it was rejected—ayes 10, noes 15.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Henderson, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Hynds and Totten—10.

The negative voters are,

Mr. Graves, Gray, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Trousdale & Vernon—15.

Mr. Graves moved to strike out the 31st section of the bill; which motion was lost.

Mr. Cahal moved to strike out the last section of the bill; which motion prevailed.

Mr. Graves offered the following as an amendment to the first section of the bill, to wit:

"That the first district shall be composed of the counties of Carter, Johnson, Sullivan, Washington, Greene and Hawkins, and such other new counties as may be established in the bounds of said district.

That the counties of Jefferson, Sevier, Grainger, Claiborne and Campbell, the second district.

The counties of Monroe, Blount, Knox, Anderson, Roane and Morgan, shall compose the third district.

And the counties of Rhea, Bledsoe, Marion, Hamilton and McMinn, and such other counties as may be established in said bounds, shall compose the fourth district."

And the sense of the Senate being thereon had, said amendment was rejected—ayes 10, noes 14.

The ayes and noes being demanded by Mr. Totten, seconded by Mr. Love, the affirmative voters are,

Mr. Speaker Webster, Cahal, Craighead, Graves, Henderson, Hynds, McGaughey, Morford, Powell and Reagan—10.

The negative voters are,

Mr. Armstrong, Brown, Childress, Gray, Johnson, Ledbetter, Love, Moore, Motley, Robertson, Rogers, Totten, Trousdale and Vernon—14.

Mr. McGaughey offered the following as an additional section to the bill:

"Be it enacted, that each judge of the circuit courts in this State, shall receive [a] salary of hundred dollars per annum, to be paid quarterly, out of either of the public treasuries, during their continuance in office."

And the sense of the Senate being thereon had, said amendment was rejected.

Mr. Ledbetter offered the following as an amendment to said bill, to come in at the end of the 20th section, to wit:

"The said circuit courts shall not have original jurisdiction upon any action of debt, upon a note under one hundred dollars, and the question being had thereon, it was adopted—ayes 15, noes 10.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Love, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Graves, Gray, Ledbetter, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers and Vernon —15.

The negative voters are,

Mr. Cahal, Childress, Craighead, Gordon, Henderson, Hynds, Johnson, McGaughey, Totten and Trousdale—10.

Mr. Morford moved a reconsideration of the vote just taken, adopting the amendment offered by Mr. Ledbetter, and the sense of the Senate being thereon had, said motion was rejected—ayes 10, noes 15.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Love, the affirmative voters are,

Mr. Cahal, Childress, Craighead, Gordon, Henderson, Hynds, Johnson, Morford, Totten and Trousdale—10.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Graves, Gray, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers and Vernon—15.

The question then recurred upon the passage of the bill as amended, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 21, noes 4.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, Moore, Motley, Rogers, Robertson, Totten, Trousdale and Vernon—21.

The negative voters are,

Mr. Henderson, McGaughey, Morford and Powell—4.

So said bill passed a third time, and ordered to be transmitted.

A bill from the House of Representatives to establish a new county of the name of Marshall, was read a first time and passed, and referred on Mr. Ledbetter's motion, to the committee on new counties and county lines.

Then the Senate adjourned.

FRIDAY, JANUARY 8th, 1836.

Mr. Johnson from the [committee] of conference upon the first and third amendments of the House of Representatives, to the bill to establish the county of Johnson, made the following report, to wit:

The committee of conference have had under consideration the subject referred to them, as to the propriety of striking out "Johnson county," and insert that of "Taylor," and the committee have instructed me to report that they have agreed to retain the name of Johnson, for the county as it passed the Senate, and the name of Taylorsville as the county town, in which they ask the concurrence of the Senate.

All of which is submitted.

Said report was concurred in by the Senate.

Mr. Craighead from the committee of enrollments, reported as correctly enrolled, an act to change the time of holding the circuit court of Franklin county.

The Speaker signed said enrolled act, and ordered that it be transmitted to the House of Representatives.

On motion of Mr. Reagan, the Senate took up a bill to prescribe the duties and define the jurisdiction of justices of the peace.

Mr. Gray moved to strike out the 3rd section of the bill, which motion was rejected—ayes 3, noes 22.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Reagan, those who voted in the affirmative are,

Mr. Gray, Robertson and Trousdale—3.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Rogers, Totten and Vernon—22.

Mr. Graves offered the following as an amendment to the 3rd section, to wit: "and the justices of the several districts shall hold the courts alternately, and the county court shall designate the time each shall attend; and in all cases where the law now requires two justices to be present on the transaction of any business, one shall be sufficient, and any warrant issued or judgment rendered by any justice of the peace, shall be as good and valid in law, as though two had been present;" which was rejected.

Mr. Cahal offered the following amendment, in lieu of the 3rd section, down to the proviso, to wit:

"That it shall be the duty of every justice of the peace to designate some one certain day in every month when he shall attend at his usual place of residence in his district, to hear and determine all matters cognizable before him." Which amendment was adopted.

Mr. Gray moved to strike out from the word "them" to the word "after" in the 4th section of the bill, and insert the words "within thirty days," which motion prevailed.

Mr. Trousdale moved to strike out the 4th section of the bill.

Mr. Cahal moved to amend said section by striking out from the word

"May" in the seventh line of said section, including the words "per cent," in the eleventh line, and insert in lieu thereof the following, to wit: "on motion, at the next term of the circuit court, take a judgment against him and his securities for the amount of said execution, with damages of twelve and one half per cent."

And the sense of the Senate being thereon [had] it was rejected—ayes 7, noes 16.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Henderson, the affirmative voters are,

Mr. Brown, Cahal, Gordon, Henderson, Johnson, Moore and Trousdale—7.

The negative voters are,

Mr. Armstrong, Childress, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—16.

Mr. Ledbetter moved to strike out the word "conditional," at the end of the eighth line of the 4th section, and to insert the words "upon notice being given as heretofore," after the words "per cent," in the eleventh line of said section, and to strike out the remaining part of said section.

Mr. Graves called for the ayes and noes, seconded by Mr. Love.

Mr. Johnson asked and obtained leave to withdraw said bill for amendment.

Mr. Morford presented sundry documents upon the subject of Marshall county, which was referred on his motion, to the committee on new counties and county lines.

Mr. Gordon presented the report of the Secretary of State, showing the amount of claims filed for adjudication, for interferences; the amount of valid claims adjudicated and upon which certificates have issued; &c. Ordered to the table on motion of Mr. Gordon.

Mr. Hynds returned a bill withdrawn by him for amendment, to lay off the State into solicitorial districts and for other purposes, with an amendment thereto in lieu of the 1st section, to wit:

"That the solicitorial districts as now established by law, shall remain, and each constitute a district, and there shall be elected one Attorney General of competent law knowledge for each, whose duty it shall be to attend the circuit courts in his district, and present in behalf of the State, may be a party, and shall perform the same duties, have the same privileges and emoluments of the present Attorneys General."

And the sense of the Senate beiog thereon had, said amendment was rejected—ayes 7, noes 15.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Henderson, the affirmative voters are,

Mr. Gordon, Hynds, Love, McGaughey, Morford, Powell and Rogers—7.

The negative voters are,

Mr. Armstrong, Cahal, Childress, Graves, Gray, Henderson, Johnson, Ledbetter, Moore, Motley, Reagan, Robertson, Totten, Trousdale and Vernon—15.

Mr. Hynds offered the following as an additional section to the said bill, to wit:

Section Be it enacted, that it shall be the duty of the attorney gene-

ral of the respective districts, in which the supreme court is held, to attend said court and prosecute on behalf of the State, all appeals in the nature of writs of error, and writs of error taken to said courts from the judgment of the circuit court, in all cases in which the State is a party. Which was accepted.

Mr. Cahal moved to strike out the 4th section of the bill, which motion prevailed.

The bill was thereupon read as amended a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative ayes 19, noes 1.

The constitution requiring the ayes and noes to be taken, the affirmative voters are,

Mr. Armstrong, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, McGaughey, Moore, Motley, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—19.

The negative voter is Mr. Powell—1.

Mr. Craighead introduced a bill to incorporate the Richland turnpike company, which was read a first time and passed.

A bill to provide for the compensation of the members of the next General Assembly, in pursuance of the 23rd section of the 2nd article of the constitution, was read a second time and passed.

Said bill was on motion of Mr. McGaughey, referred to the committee on ways and means.

Mr. Hynds introduced a bill to fix the salaries of the chancellors and circuit court judges in this State, which was read a first time and passed.

The Senate then adjourned.

SATURDAY, JANUARY 9th, 1836.

Mr. Craighead, from the committee on enrollments, reported as correctly enrolled, an act to establish chancery courts.

The speaker signed said enrolled act.

Ordered that it be transmitted to the House of Representatives.

Mr. Craighead introduced a bill to incorporate a female academy on little Harpeth, in Williamson county, by the name of Elm Wood academy; which was read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. speaker: The House of Representatives have adopted a resolution, appointing a commissioner for the county of Lawrence, and for the county of Wayne, to lay off their respective counties into Magistrates' districts; in which they ask the concurrence of the Senate. And then he withdrew.

The Senate concurred with said resolution.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Robertson returned without amendment, a bill withdrawn by him, to incorporate the West Tennessee male and female academy, which was read

a second time, passed and on motion of Mr. Childress, said bill was referred to the committee on education and common schools.

Mr. Cahal submitted the following:

Resolved, That the principal clerk of the Senate is hereby authorised and required to employ some suitable person, at a fair and reasonable price, to transcribe the journals for publication.

Mr. Trousdale submitted the following:

Resolved, That the public printer shall be permitted, either in proper person or by agent, to come within the bar of the Senate, and transcribe the journals at any time when said journal is not in the use of the Senate.

Mr. Trousdale moved a suspension of the rule requiring resolutions to lie one day on the table, which motion was rejected.

On motion of Mr. Graves, the Senate took up a bill to repeal the 2nd section of the act of 1831, requiring the acts of a public and general nature of the General Assembly of the State, to be bound.

On motion of Mr. Powell, said bill was ordered to the table.

On motion of Mr. Totten, the Senate took up a bill for the relief of the occupants south and west of the congressional reservation line, and north of Winchester's line and for other purposes, which was referred on his motion, to the committee on public lands.

On motion of Mr. speaker Webster, (then on the floor) the Senate took up the message from the House of Representatives, proposing sundry amendments to a bill to establish the county of Webster, in honor of Col. Jonathan Webster, speaker of the Senate.

Mr. speaker Webster, (then on the floor) offered the following communication, which was received, read and ordered to be put upon the journals, to wit:

Gentlemen of the Senate:

By giving my name to the new county now under consideration, you confer an honor upon me, which I acknowledge with heart-feeling gratitude; and now beg the favor of the Senate to strike my name from the bill and insert in lieu thereof, that of General John Coffee.

Respectfully,

Signed JONATHAN WEBSTER.

Mr. Powell moved a non-concurrence with the first amendment to the bill, which strikes out the name of "Webster" and insert that of "Coffee," and the sense of the Senate being thereon had, it was determined in the negative —ayes 8, noes 15.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Henderson, the affirmative voters are,

Mr. Cahal, Gray, Henderson, Hynds, Powell, Robertson and Vernon—8.

The negative voters are,

Mr. Armstrong, Brown, Childress, Craighead, Gordon, Graves, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Reagan, Totten and Trousdale—15.

The first, third and fourth amendments were then severally concurred with by the Senate.

The second amendment was concurred in, with the following proposed amendments thereto, to wit:

Strike out from the words and figures, "S. 8 degrees, E. 10½ miles," in the third line of the second amendment, and insert in lieu thereof, "Westward by meandering the ridge along the line between Rutherford and Bedford so far as will make 240 poles on a straight line, thence south 10 degrees, E. 10 miles, 340 poles.

Strike out from the words "four miles" in the sixth line, to the word "thence" in the 8th line, and insert in lieu thereof, the following: "thence north 45 degrees, east 13 miles, 64 poles, thence north 304 poles."

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Trousdale moved that the Senate do now adjourn till Monday morning 9 o'clock, and the sense of the Senate being had thereon, it was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Robertson, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Ledbetter, Love, Moore, Morford, Powell, Rogers and Trousdale—12.

The negative voters are,

Mr. speaker Webster, Gordon, Graves, Gray, Henderson, Hynds, McGaughey, Reagan, Robertson and Totten—10.

MONDAY, JANUARY 11th, 1836.

Mr. Reagan presented the memorial of sundry citizens of the Hiwassee district, praying the passage of a rail road charter from Knoxville to join the Augusta and Athens rail road in the State of Georgia, which was referred on his motion, to the committee on internal improvement.

Mr. Armstrong presented the petition of sundry citizens of White county, praying that James Dillon be authorised to open a turnpike road from Knowles' to the McMinnville road, near Alexander Miller's, together with other documents which were referred on his motion, to the committee on internal improvement.

Mr. Robertson presented the petition of Willis Huntingdon and Ned Hay, persons of color, praying for liberty to remain in the State, by giving bond and security for their good behaviour, which was on his motion, referred to the committee on propositions and grievances.

Mr. Johnson, from the committee on claims, to whom was referred a bill from the House of Representatives, with sundry accounts accompanying the same, for the benefit of John Austin and others, makes the following report thereon, to wit:

Your committee, to whom was referred the consideration of sundry claims of individuals, for work and labor done, and for articles furnished in refitting the Senate and House of Representatives Hall, beg leave to report, that upon an examination of the accounts, they find several of them which is

marked No. which have no proof whatever of the work done or the articles furnished. Although your committee does not intend to impeach the correctness of any of the numerous accounts now presented to them for consideration, nor will they undertake to say they are correct, for they have no date to be governed by in forming an opinion as to their justness or unjustness except the isolated charge itself.

In vain your committee have searched for a precedent by which they could be governed in the settlement of accounts, due from the State to individuals, and have not been able to find any claim which has ever yet been settled by proof, except that which may have been voluntarily submitted by the claimant himself. This mode of liquidating accounts due from the State, your committee believe to be wrong, and will not sanction such a course which claims are submitted to them for examination. They look upon the State as having rights which should be strictly guarded as those of an individual, and they know of no individual case where the representative of another was ever authorised to pay an account and claim the same as a voucher upon settlement of a trust, without first having proof of the labor performed or the articles furnished, as the case may be, and that the value charged is reasonable.

Your committee can see no good reason why the State or those who represent her interest should not require the same strictness that is uniformly required by her citizens in the settlement of their accounts.

Your committee fear that it ts not unfrequently the case that unreasonable charges are exhibited against the State, and the same is passed over slightly and without much examination from those whose duty it is to guard and protect her rights; and they must again disclaim any intention of applying the above remarks to the individual claims now presented for their consideration.

Many of those charges your committee believe from their own knowledge to be reasonable and just, and many others they know nothing about, and cannot consistent with their duty as representatives of the people, recommend the payment of them, unless proof shall be given of their correctness.

They would not recommend the rejection of the bill emanating from other branches of the Legislature, making an appropriation for the payment of those claims; but they would ask for the power to issue a process summoning those who have claims against the State to appear before the committee and adduce such proof as may be required to substantiate their claims. This course they conceive would be just and proper to the State; and they do not believe that any one having a just claim against the State can object.

Signed W. B. JOHNSON,
Chairman Com. on Claims.

On motion of Mr. Moore, said report was ordered to the table, and the committee on claims instructed to require of the claimants to prove their claims exhibited against the State; and that they report a bill for their relief.

Mr. Ledbetter from the committee on enrollments, reported as correctly enrolled, a bill to establish the county of Johnson, on the east of Carter county; and a bill to appoint additional commissioners for the town of Huntingdon in the county of Carroll,

The speaker signed said enrolled bills, and ordered that they be transmitted to the House of Representatives.

Mr. Trousdale submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in their hall on Thursday, the 21st inst., to elect three chancellors, eleven circuit judges, and eleven attorneys general for the State.

On motion of Mr. Ledbetter, the resolution heretofore submitted by him directory to the judiciary committee upon the subject of requiring guardians to renew their bonds, was taken up, read and adopted.

On motion of Mr. Hynds, the resolution heretofore submitted by him requiring the reporter of the State to communicate to this General Assembly the number of copies of the decisions of the supreme court furnished to the different counties in this State, and what counties are not furnished, and what reasons therefor, was taken up, read and adopted.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives concur in the report of the committee of conference on the amendment to the bill establishing the county of Johnson. And then he withdrew.

Mr. Speaker Webster (then on the floor) submitted the following:

Whereas it is proper and necessary for the constitutional justification of this legislature, as well as for the peace and safety of the people of the several new counties which have or may hereafter be established by the present General Assembly, that all original maps, petitions and other papers relating to new counties should be preserved: Therefore,

Resolved, by the General Assembly of the State of Tennessee, That all original maps, petitions and other papers relative to new counties which have been or may be established at the present session of the General Assembly, shall be safely deposited and kept in the office of the Secretary of State, for the benefit of the citizens residing in said new counties.

Mr. Speaker Webster (then on the floor) moved a suspension of the rule requiring resolutions to lie one day on the table; which motion prevailed, and the resolution adopted.

Ordered, That the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A bill giving further time to the commissioners appointed by this General Assembly to locate the county site of Lauderdale county, and for other purposes, was taken up.

Mr. Henderson moved to amend said bill, by adding thereto an additional section, to wit:

Sec. 3d. Be it enacted, That the commissioners appointed to locate the seat of justice for the county of Coffee, shall perform that duty on or before the 10th day of March next. Which was accepted.

The bill was thereupon read as amended a third time, and the question, Shall the bill pass? being thereon had, it was determined in the affirmative—ayes 22, noes 00.

The constitution requiring the ayes and noes to be taken, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Rogers, Totten and Vernon—22—there being no negative voters.

Mr. Johnson returned a bill heretofore withdrawn by him for amendment, to prescribe the duties and define the jurisdiction of justices of the peace, with an amendment thereto.

Said bill and amendment were on his motion ordered to the table.

A bill from the House of Representatives to provide for electing a comptroller of the Treasury and to prescribe his duties, was read a first time and passed.

Mr. Powell moved to refer said bill to the committee on finance. Which motion was lost.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. Speaker: The House of Representatives concur with the second amendment proposed by the Senate to the second amendment proposed by the House of Representatives to a bill to establish the county of Webster, in honor of Col. Jonathan Webster, speaker of the Senate; and non-concur with their first amendment. And then he withdrew.

Whereupon Mr. Speaker Webster (then on the floor) moved that the Senate recede from their first proposed amendment, and concur with that part of the amendment of the House of Representatives heretofore non-concurred with; which motion prevailed.

Ordered, That the clerk acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have read and passed a third time, a bill from the Senate with an amendment thereto herewith transmitted, to authorize the courts of record in this State to take the probate or acknowledgement of the assignment of platts and certificates of survey and locations.

On motion of Mr. Totten, said proposed amendment was taken up and read.

He thereupon offered the following amendment in lieu of the proposed amendment of the House of Representatives to said bill, to wit:

Sec. Be it enacted, That the clerks of the county courts of this State shall have exclusive authority to take the probate or acknowledgment of all deeds, grants, bills of sale and all other instruments of writing, required by the existing laws to be registered; which authority shall be exercised according to the forms and in the manner prescribed by the acts of 1831, chapter 90, and 1833, chapter 92.

Sec. Be it enacted, That said clerks are hereby required to record their proceedings under the provisions of this act, in a well-bound book, kept for that purpose.

And the sense of the Senate being thereon had, said amendment was adopted.

Mr. Cahal moved that the question be now put upon the concurrence of

the amendment of Mr. Totten, which has been adopted in lieu of the proposed amendment by the House of Representatives to said bill.

The chair determined (Mr. Childress in the chair) that the adoption of Mr. Totten's amendment by the Senate in lieu of the amendment proposed by the House of Representatives, as it was the same in substance, only differing in phraseology, amounted to a non-concurrence with the amendment proposed by the House of Representatives to said bill; from which decision Mr. Cahal appealed to the Senate.

And the sense of the Senate being had on said appeal, the decision of the chair was sustained.

Mr. Vernon moved a re-consideration of the vote just taken upon the adoption of the amendment of Mr. Totten in lieu of the amendment of the House of Representatives.

And the sense of the Senate being thereon had, it was determined in the affirmative—ayes 14, noes 8.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Graves, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Graves, Henderson, Ledbetter, Love, McGaughey, Moore, Morford, Reagan, Rogers and Vernon—14.

The negative voters are,

Mr. Cahal, Gordon, Gray, Johnson, Powell, Robertson, Totten and Trousdale—8.

Mr. Totten then offered said amendment as amended, to the amendment of the House of Representatives from the words "be it enacted."

And the question being thereon had, it was rejected—ayes 12, noes 12.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Ledbetter, the affirmative voters are,

Mr. Speaker Webster, Cahal, Craighead, Gordon, Graves, Gray, Johnson, Moore, Powell, Robertson, Totten and Trousdale—12.

The negative voters are,

Mr. Armstrong, Brown, Childress, Henderson, Hynds, Ledbetter, Love, McGaughey, Morford, Reagan, Rogers and Vernon—12.

Mr. Love moved a re-consideration of the vote just taken upon the rejection of Mr. Totten's amendment. Which motion prevailed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have this day adopted a resolution appointing James Blakemore of Sumner county, a commissioner to act in conjunction with the other commissioners in laying off said county into civil districts, in which they ask the concurrence of the Senate. And then he withdrew.

On motion of Mr. Trousdale, said resolution was taken up, read and concurred in.

On motion of Mr. Craighead, the Senate took up a resolution heretofore submitted by Mr. Hynds, directing *scire facias* to issue against the Union Bank of the State of Tennessee to repeal its charter.

Mr. Craighead offered the following resolution in lieu of the resolution of Mr. Hynds, to wit:

Resolved, by the General Assembly of the State of Tennessee, That ——— be employed by the Governor to make demand of the Union Bank of Tennessee of the bonus and dividends due to the State and to the common schools from said bank; and upon compliance, to deposite said sums in said bank, subject to the order of the State; and upon refusal of said bank, to bring suit, or to issue scire facias, or to adopt such other measure as they may deem most advisable to establish the right of the public to the possession and control of said bonus and said dividends; and said counsel shall have authority to agree if they can with said bank upon a statement of *facts*, and to submit a case agreed to the circuit court of Davidson county, now sitting, for the instant decision of said court, with a right to either party to take an appeal in the nature of a writ of error to the ensuing term of the supreme court.

And the sense of the Senate being thereon had, said amendment was rejected—ayes 8, noes 17.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Rogers, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Ledbetter, Love and Morford—8.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Henderson, Hynds, Johnson, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—17.

The question then recurred upon the adoption of the resolution of Mr. Hynds. And the sense of the Senate being thereon had, said resolution was adopted—ayes 17, noes 8.

The ayes and noes being demanded by Mr. Brown, seconded by Mr. Ledbetter, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Henderson, Hynds, Johnson, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—17.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Ledbetter, Love and Morford—8.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The speaker of the House of Representatives did this day sign an enrolled resolution appointing James Blackemore of Sumner county, one of the commissioners to lay off Sumner county into civil districts. And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled resolution, and ordered that it be deposited in the office of Secretary of State.

And then the Senate adjourned.

TUESDAY, JANUARY 12th, 1836.

Mr. Lellbetter from the committee on enrollments, reported as correctly enrolled, an act to establish the county of Coffee, in honor of the late General John Coffee.

The speaker signed said enrolled act, and ordered that it be transmitted to the House of Representatives.

Mr. Vernon from the committee on new counties and county lines, to whom was referred a bill from the House of Representatives to establish the county of Marshall, reported that the committee have had the same under consideration, and had instructed him to report the bill with the following amendment to wit:—Strike out the name of "Marshall" wherever it occurs, and insert in lieu thereof the name of "Cannon;" they also propose to strike out from the word "beginning" in the seventh line, to the words "thence north east" in the 13th line, and insert in lieu thereof the following, to wit:—on the ridge the dividing line between Bedford and Rutherford counties, one mile east with the meanders of the ridge where the dug-hollow road crosses the same; running from thence a northern direction to the nearest point of the ridge which separates the waters of Brawley's and Carson's fork of Stone's river; thence a direct line to the house of David McGill, including him in said new county; thence to Brawley's fork at the point where the road from Readyville to the stone fork crosses said fork the first time, above Mitchell's mill; thence with the meanders of said fork to its mouth; thence to the mouth of George Brandon's spring branch, so as to include John Woods in said new county; thence a direct line to the house of Joshua Nicholl, Esq. including him in said new county; thence a north eastern direction to the point of the dividing ridge between Sanders' fork of the Caney fork and the waters of Stone's river, at which Elisha Tedder lives; thence with the top of said ridge to the point on the Wilson county line, at which Trott's survey strikes the same. And with the amendments they unanimously recommended the passage of the bill.

Said report so far as the amendments, was concurred with.

Mr. Cahal moved to recommit the bill to the committee on new counties and county lines, with instructions to report the facts on which they had recommended the passage of the bill.

Which motion prevailed.

Mr. Hynds from the judiciary committee to whom was referred a bill to protect the free people of this State from arbitrary summary and unlawful proceedings, contrary to the Constitution of the U. States and of the State of Tennessee, and the laws thereof, reported that the committee have had the same under consideration, and had instructed him to report the bill with the following amendments, to wit:—Insert in the caption of the bill, between the words "free persons," and also in the body of the bill, between the same words the word "white," so as to make the caption and bill read "free white persons," and with the amendments to recommend the passage of the bill.

The Senate refused to make the amendments proposed.

The question then recurred upon the passage of the bill; and the question

Shall the bill pass on its second reading? being had thereon, said bill was rejected—ayes 7, noes 15.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Robertson, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Henderson, Hynds, McGaughey, and Totten—7.

The negative voters are,

Mr. Cahal, Craighead, Gordon, Graves, Gray, Johnson, Ledbetter, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—15.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: A communication from his Excellency Newton Cannon, Governor of the State, with sundry documents accompanying the same, was communicated to the House of Representatives by Luke Lea, Esq. Secretary of State; read at the clerk's table, and ordered to be transmitted to the Senate. And then he withdrew.

On motion of Mr. Gordon, the Senate took up said message, which is as follows:

EXECUTIVE OFFICE, NASHVILLE,
January 9th, 1836.

Gentlemen of the Senate, and of the House of Representatives:

The accompanying documents are deemed to be of sufficient public interest to authorise me to lay them before the Legislature, as I feel it to be my duty to submit to their consideration all the correspondence, acts and doings of the Executive that may be of such importance as should engage their attention, or can in any way be useful in your deliberations.

The document marked A. is the letter of Mr. Schermerhorn, the agent of the U. States for the Cherokee Nation, in relation to the treaty he has concluded with that nation.

The document marked B. is the copy of a communication which I felt it my duty to make to the Governor of the State of Georgia, on receiving information of the arrest of Mr. Payne by the Georgia Guard, within the limits of our State, and his confinement by said Georgia Guard.

The document marked C. is the answer of the Governor of Georgia to my communication, which, together with the report of the committee of the legislature of that State on the same subject, are deemed to be a satisfactory explanation of the proceedings of said Guard; which it seems was not authorised by either the Legislature or Executive authorities of Georgia, and was done without the knowledge or consent of either; nor has it been sanctioned or countenanced in any way whatever.

Document marked D. is the report of the committee of the Legislature of Georgia on said subject, together with the resolutions appended thereto.

A demand has also been made upon the Executive of Tennessee, by the Governor of the State of Kentucky, to surrender to his agent a prisoner by the name of Mitchell, who was confined in the jail of Williamson county, on a charge of felony committed within the limits of the State of Kentucky;

which prisoner has been surrendered accordingly, to account for the violation of the laws of the State in which said offence was committed.

Very respectfully,

NEWTON CANNON.

The message and accompanying documents having been read, were on motion of Mr. McGaughey, referred to the committee on propositions and grievances.

Mr. Powell moved that the committee on internal improvement be instructed to report forthwith a bill referred to that committee, making an appropriation to survey so much of the Cincinnati and Charleston rail road as passes through this State. Which motion failed.

On motion of Mr. Vernon, Mr. Childress was added to the committee on new counties and county lines.

The following message and the document there referred to, was received from his Excellency the Governor, by Luke Lea, Esq. Secretary of State:

EXECUTIVE OFFICE, NASHVILLE,
January 12th, 1836.

Gentlemen of the Senate, and of the House of Representatives:

In compliance with the request of the Governor of North Carolina, I herewith submit to your examination and attention, the preamble and resolutions adopted by the Legislature of that State on the subject of incendiary publications. Very respectfully,

Signed NEWTON CANNON.

On motion of Mr. Johnson, said message and accompanying document was referred to the committee on the judiciary.

On motion of Mr. McGaughey, the committee on propositions and grievances were discharged from the consideration of the message of the Governor upon the subject of the arrest of John Howard Payne by the Georgia Guard, and the documents accompanying the same.

Mr. McGaughey submitted the following:

Resolved, That a select committee to consist of members be appointed for the purpose of taking into consideration the communication of his Excellency the Governor, and the accompanying documents, in relation to an alleged outrage committed by the Georgia Guard, upon the person of John Howard Payne, within the limits of the State of Tennessee.

On motion of Mr. McGaughey, the rule requiring resolutions to lie one day on the table was suspended and the resolution adopted.

The chair thereupon appointed Mr. McGaughey, Johnson, Totten, Hynds, and Cahal to be of said committee.

A bill to incorporate a female academy on Little Harpeth in Williamson county, by the name of Elm Wood academy, was read a second time and passed.

A bill to fix the salaries of the chancellors and circuit court judges in this State, was taken up and read.

Mr. Rogers moved to fill the blank in the first section of the bill with the sum of thirteen hundred dollars.

Mr. Totten moved that the said blank be filled with the sum of eighteen

hundred dollars. This motion having precedence, the sense of the Senate being thereon had, it was determined in the negative—ayes 9, noes 14.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Graves, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Gordon, Henderson, Johnson, Totten and Trousdale—9.

The negative voters are,

Mr. Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers and Vernon—14.

Mr. Johnson moved to fill the blank with the sum of sixteen hundred dollars. And the question being thereon had, it was determined in the negative —ayes 11, noes 12.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Gordon, Henderson, Johnson, Moore, Robertson, Totten and Trousdale—11.

The negative voters are,

Mr. Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Motley, Powell, Reagan, Rogers and Vernon—12.

Mr. Trousdale moved to fill said blank with fifteen hundred dollars. And the sense of the Senate being thereon had, said motion was rejected—ayes 9, noes 14.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Rogers, the affirmative voters are,

Mr. Speaker Webster, Gordon, Gray, Hynds, Ledbetter, Love, Moore, Motley and Trousdale—9.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Graves, Henderson, Johnson, McGaughey, Powell, Reagan, Robertson, Rogers, Totten and Vernon—14.

The question then recurred upon the motion of Mr. Rogers to fill the blank with thirteen hundred dollars. And the sense of the Senate being thereon had, said motion was rejected—ayes 8, noes 15.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Rogers, the affirmative voters are,

Mr. Armstrong, Graves, McGaughey, Motley, Powell, Reagan, Rogers and Vernon—8.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Gordon, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Robertson, Totten and Trousdale—15.

Mr. Brown moved to fill the said blank with one thousand dollars. And the sense of the Senate being had thereon, it was determined in the negative —ayes 9, noes 13.

The ayes and noes being demanded by Mr. Rogers, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Armstrong, Brown, Graves, Johnson, Love, McGaughey, Powell, Reagan, Rogers, and Vernon—9.

The negative voters are,

Mr. Speaker Webster, Cahal, Childress, Gordon, Gray, Henderson, Hynds, Ledbetter, Moore, Motley, Robertson, Totten and Trousdale—13.

Mr. Graves moved to fill the blank in the second section of the bill with one thousand dollars.

Mr. Powell moved to fill said blank with thirteen hundred dollars.

Mr. Henderson moved to fill the same with eighteen hundred dollars.—Which motion having precedence, the sense of the Senate was thereon had, and determined in the negative—ayes 7, noes 16.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Gray, the affirmative voters are,

Mr. Brown, Cahal, Childress, Henderson, Johnson, Totten and Trousdale —7.

The negative voters are,

Mr. Speaker Webster, Armstrong, Gordon, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—16.

Mr. Moore moved that the blank be filled with the sum of fifteen hundred dollars. And the sense of the Senate being thereon had, it was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Rogers, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Gordon, Henderson, Hynds, Johnson, Moore, Robertson, Totten and Trousdale—12.

The negative voters are,

Mr. Armstrong, Graves, Gray, Ledbetter, Love, McGaughey, Motley, Powell, Reagan, Rogers and Vernon—11.

So the blank in the second section of said bill was filled with the sum of fifteen hundred dollars.

The question then recurred upon the passage of the bill. And the question being thereon had, said bill passed a 2d time.

On motion of Mr. Johnson, the Senate took up a bill to prescribe the duties and define the jurisdiction of justices of the peace.

Mr. Johnson offered the following amendment in lieu of the 4th and 5th sections of the bill, to wit:

Section 4. Be it enacted, That all executions issued by justices of the peace, shall be returned before the justice who issued them, within thirty days after their issuance; and if any officer into whose hands an execution may come, which has been issued by a justice of the peace, shall fail to make return thereof as herein before directed, the plaintiff may on motion before said justice, take a judgment against him and his securities for the amount due in said execution, with damages of twelve and one half per cent for such failure: Provided the plaintiff, his agent or attorney give to the constable or other returning officer, five days notice at least, of the time and place of such motion; and provided also, that inability to attend and make such return of an execution as directed by this act, on account of sickness, high waters, or engagement in executing any precept in behalf of the State, shall be a sufficient reason to authorise the justice of the peace to discharge said officer for his failure

to return as aforesaid: And provided further, that where there shall have been a levy made to satisfy an execution, and there shall not be sufficient time to sell between the levy and the return day of the execution, or a sale shall in other respects be defeated. In such case, the lean given by the levy shall continue, and the justice of the peace shall issue an order of sale upon said execution so levied and returned.

Section 5. Be it further enacted, That should the justice of the peace who issued the execution, die, resign or remove from his district, or his office should otherwise become vacant before the return day of any execution, then and in that case the constable or other returning officer shall return said execution to the other justice of the peace, who resides in the same district, if his office be not vacated; in which case the return shall be made to some justice of the peace residing in an adjoining district, which justice shall have all the powers conferred by law on the justice who issued the execution: Provided, however, that no justice of the peace shall render a judgment on motion against the securities of any constable for a failure of duty, unless the plaintiff, his agent or attorney produce to the justice a certified copy of his bond.

And the sense of the Senate being thereon had, said amendment was accepted.

Mr. Johnson moved to strike out the 6th section of the bill. Which motion prevailed.

Mr. Gray moved to strike out the words "fifty cents," in the 11th line of the 7th section of the bill, for the purpose of inserting "twenty-five cents."

Which motion was rejected.

Mr. Gordon moved to strike out "twenty-five cents" in the second line, and "twelve and a half cents" in the third and fourth lines of the 8th section of bill, and insert in lieu thereof "twelve and a half cents" and "six and a quarter cents." Which motion failed.

Mr. Gordon moved to strike out the eleventh section of the bill. Which motion prevailed.

Mr. Reagan moved to strike out the thirteenth section of the bill. Which motion also prevailed.

Mr. Armstrong moved to amend the fifteenth section of the bill, by striking out the letters "as" from the word assign in the second line of said section, so as to make the word "sign" instead of "assign."

Which motion prevailed.

Mr. Johnson offered the following as an additional section to the bill to wit:

Section Be it further enacted, That in all cases where the laws now in force require the signatures of two justices of the peace to the issuance of any warrant, or for the trial of any matters which by the existing law requires the presence of two justices, the same may be done by one justice; and any warrant issued or judgment rendered as aforesaid, shall be as good and effectual in law as though the same had been issued, or judgment rendered by two justices, as now required by law. Which was adopted.

Mr. McGaughey offered the following as an additional section to the bill, to wit:

Section Be it enacted, That all laws heretofore passed, exempting

justices of the peace from performing military duty, be and the same is hereby repealed.

And the sense of the Senate being thereon had, said amendment was rejected.

Mr. Henderson offered an additional section to the bill, to wit:

Section Be it enacted, That in all cases in which justices of the peace by this act have jurisdiction, where the sum in controversy shall exceed twenty dollars, that the party shall have the right of an appeal to the circuit court without requiring security of said appellant.

And the sense of the Senate being thereon had, said amendment was rejected.

Mr. Trousdale offered the following in lieu of the whole bill, from the words "a bill," to wit:

Be it enacted by the General Assembly of the State of Tennessee, That all laws and parts of laws now in force and use in this State upon the subject of the jurisdiction of justices of the peace, be and the same are hereby declared to be and continue in full force.

And the sense of the Senate being thereon had, said amendment was rejected—ayes 7, noes 17.

The ayes and noes being demanded by Mr. Love, seconded by Mr. Graves, the affirmative voters are,

Mr. Armstrong, Cahal, Hynds, Morford, Motley, Totten and Trousdale—7.

The negative voters are,

Mr. Speaker Webster, Brown, Childress, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Love, McGaughey, Moore, Powell, Reagan, Robertson, Rogers and Vernon—17.

Mr. Cahal moved to strike out the ninth section of the bill; but before any action of the Senate was had thereon,

The Senate adjourned till to-morrow morning nine o'clock.

WEDNESDAY, JANUARY 13th, 1836.

Mr. Hynds from the committee on internal improvement, to whom was referred a bill making an appropriation for a survey of so much of the central rail road as passes through this State—reported that the committee have had the same under consideration, and had instructed him to report the same without amendment, to recommend its passage.

Said report was concurred in, the bill read a 2d time and passed.

On motion of Mr. Powell, said bill was referred to the committee of the whole, and made the order of the day for Tuesday next.

Mr. Hynds from the same, to whom was referred a bill from the House of Representatives to incorporate the Cincinnati and Charleston rail road company—reported that the committee have had the same under consideration, and had instructed him to report the bill, with sundry amendments thereto.

On motion of Mr. Childress, said bill and amendments were ordered to the table.

Mr. McGaughey from the committee on propositions and grievances, to whom was referred a petition of sundry citizens of Overton county, praying the passage of a law to permit Reuben Padgett to retail spirituous liquors without paying a license therefor; a petition of James Kirby, a citizen of White county, praying the passage of a law to alter his name to that of James Stuart; and a petition of the heirs of Greenberry Boring, of the county of Washington, praying the passage of a law authorising the chairman of the county court of said county to make a deed to one hundred and twenty acres of land to John Little—reported that the committee have had said petitions under consideration, and had instructed him to report the prayers of the petitioners unreasonable; and that the committee be discharged from their further consideration.

Said report was concurred in by the Senate.

Mr. McGaughey from the same, to whom was referred a petition of sundry citizens of Montgomery county, praying that the act of 1831 may not be repealed, relative to free persons of color; and a petition of Willis Huntington and Ned Hay, of Haywood county, praying the passage of a law authorising their emancipation, with liberty to remain within the limits of this State—reported that the committee have had said petitions under consideration, and that said committee had instructed him to ask to be discharged from the further consideration of said petitions.

Said report was concurred in by the Senate.

Mr. Childress from the committee on ways and means, to whom was referred a bill to provide for the compensation of the members of the next General Assembly, in pursuance of the 23d section of the 2d article of the constitution—reported that the committee have had the same under consideration, and had instructed him to report the bill without amendment, and to recommend its passage.

On motion of Mr. Cahal, said bill and report were ordered to the table.

Mr. Johnson from the committee on claims, to whom was recommitted a bill for the benefit of John Austin and others—reported that the committee have again had the same under consideration, and had instructed him to report the bill, with an additional section thereto; and with the amendment to recommend the passage of the bill.

On motion of Mr. Childress, said bill and amendment was referred to the committee of the whole, and made the order of the day for Tuesday next.

Mr. Cahal from the select committee on the county of Marshall, made the following report from the majority of said committee, to wit:

The select committee to whom was referred the bill to establish a county, to be composed of the south west part of Bedford, the south east of Maury, the north east of Giles, and the north west of Lincoln, together with the memorials of sundry citizens of said counties, have had the same under consideration agreeably to the resolution introduced by Mr. Webster, and adopted by the Senate, in the following words: That said committee are hereby instructed to examine and report forthwith the constitutionality, practicability and expediency of extending the said county north of Duck river to the Williamson county line, and further if necessary, &c.

The committee perceive no difficulty or impediment in the constitutionality

of the measure; nor do they perceive any constitutional obligation to compel the Legislature to make it the one way or another, or even to make it [at] all. The governing principle contained in article 10 section 5 of the amended constitution is that an "old county shall not be reduced to less than six hundred and twenty-five square miles; and that new counties may be established to consist of three hundred and fifty square miles, with four hundred and fifty qualified voters." Wherever three hundred and fifty square miles can be obtained, containing the requisite number of voters without reducing an old county below 625 square miles, and not approaching any seat of justice nearer than twelve miles, the Legislature possesses the constitutional power to organise a county; and whenever sufficient evidence is furnished to satisfy the members that such territory exists, and application is made to them by a majority of the qualified voters in each part of an old county to be included in a new one, all constitutional difficulty is removed, and their action on the subject becomes a mere matter of expediency. If they conceive that the establishment of such new county will be more conducive to the convenience of the inhabitants than detrimental to the general welfare of the State, it is their duty to establish the county. In the exercise of this power, a representative should regard the effect it may have upon the representation revenue, and distribution of political power in the State, as well as the convenience of those who petition, and whose distance from the seats of justice renders their condition burdensome and oppressive. Whether the provision on the subject of counties in our constitution, which finds no parallel in most of the States of our Union, is wise and politic, it is not the province of the committee to enquire.

It has been established as a part of the fundamental law by the sovereign power of the people, and must be observed. From the numerous applications which have been made on this subject with slender evidence that sufficient surplus territory exists to organise new counties without reducing old ones under their constitutional dimensions, it is apprehended that a spirit is abroad, which ought not to be encouraged; and which if it is not watched with care, and the innovations which it cherishes, made with caution, will be productive of great injury in the future legislation of this country.

It ought not to be forgotten that representation is not to be apportioned by numbers alone; but that the 5th section, article the 2d of the constitution, provides that "any county having two-thirds of the ratio shall be entitled to one member," and that if new counties are incautiously organised, the time may come, when the power and political destinies of the State may be confided to [the] minority of the people. At present, when doing things which may be drawn into precedent hereafter, we should act with great circumspection. What this Legislature does, will be regarded as authority hereafter, and probably followed; not because its members are more wise or patriotic than their successors will be, but because it will be the first under the amended constitution, and composed in part, of those who aided in framing that instrument.

The committee perceive no objection to organising this county in such shape as may be most convenient for the inhabitants, if it does not approach a seat of justice nearer than the distance prescribed by the constitution, and

does not reduce any old county below its constitutional dimensions. It is true that a proviso says that "Bedford may be reduced to 475 square miles;" but it is not believed that this exception interposes any obstacle.

The language used is, that "Bedford may," not that Bedford shall be reduced; but clearly excluding the idea of there being any constitutional obligation on the Legislature to make any reduction at all; and leaving it discretionary to make new counties, or refuse, just as should be deemed most expedient.

If any extraneous circumstance could add force to this opinion, it would be confirmed by a knowledge of the fact, that a proposition was offered in the Convention by one of the delegates from Bedford, to render it obligatory on the Legislature to organise new counties out of this surplus territory, and rejected.

Having disposed of the constitutional question, it remains to bestow a brief consideration on the practicability and expediency of extending the contemplated new county to the Williamson line. That such a course would be practicable, if the voters consented, there can be no doubt; but that it would be highly inexpedient, it is certain. It is impossible to get more than three hundred square miles from Bedford and Maury, and it is thought that there is not even so much surplus.

It would therefore be necessary to get from fifty to seventy square miles from Williamson, or from Giles and Lincoln, to make the requisite dimensions of a new county; and when it was thus organised, it would be less than ten miles wide and nearly forty miles long, leaving the inhabitants in the extremities at a greater distance from the centre than they are at present from their respective court-houses.

It is evident the people residing in the sections which would be cut off from Lincoln, Giles and Williamson, would never consent to be attached to the new county, and it is reasonable to suppose that many of those in Bedford and Maury, when they saw the plan, and discovered their distance from the centre, would prefer remaining in the old county. For these reasons, the committee are of opinion that the extension contemplated by the resolution is inexpedient and impracticable; and the attempt would probably prevent the establishment of a new county.

The committee regret the inconvenience and hardship of the inhabitants of Bedford and Maury who reside on the north side of Duck river, and who expected relief from the Legislature. But they do not believe it possible, under any plan which can be devised, to include them in the new county. Under these circumstances, it becomes the duty of those to whom the interest of these people is confided, to do that which is best for all; and if relief cannot be extended to all, not to deny it to a part.

By making a new county on the south of Duck river, the condition of the inhabitants is greatly ameliorated, while it places those on the north in no worse condition, and under no greater inconvenience than they have heretofore been compelled to bear, and from which it is believed they cannot obtain relief.

The committee present the following synopsis of the voters of the several sections proposed to be included in the new county, who first petitioned:

Total estimated number.		Total of petitioners in favor of county.		Petitioners against it.		Those who have not petitioned.	
In Bedford	500	"	356	"	3	"	141
" Maury	400	"	238	"	15	"	147
" Giles	300	"	179	"	181	"	116
" Lincoln	400	"	245	"	5	"	150
Total,	1600		1008		204		554

From the foregoing statement, it is manifest that there is no controversy about this matter except in the fraction of Giles, which is proposed to be included in the new county. The inhabitants of Bedford, Maury and Lincoln are nearly unanimously in favor of the measure.

From what cause the most formidable opposition springs, in Giles county, it is the duty of your committee, however delicate the task may be, to state candidly to the Senate. That there are some, who from county pride or convenience, would prefer to continue a constituent part of Giles, is not doubted.

But it is believed that the strongest opposition in that quarter, arises from the town of Cornersville, a village of considerable business and highly respectable and intelligent population, in the north east corner of Giles. There are some men of capital and influence there, who have used their utmost exertions against the establishment of the county.

The committee design to cast no reflection on their conduct. It was their duty to endeavor to protect their interest. They had vested their money in real property about this town, and were not culpable for endeavoring to protect it. It was obvious that its value would be diminished by the organization of the contemplated county.

The county seat, if located in the centre, would be situated four or five miles north eastwardly of Cornersville, and probably in the end destroy the business of that village. The committee leaves the Senate to determine how far the interest of a few and the vested right of an individual shall operate against the convenience of the great mass of the people and the natural right which they possess, to have all the institutions of government so constructed as to secure their convenience, welfare and happiness.

If the establishment of this county would promote the convenience and relieve the great mass of the people from hardships under which they have labored, it is believed it ought to be done, though it should operate injuriously to Cornersville.

Whether the petitioners for and against the new county, all reside in the part of Giles proposed to be included, or whether they are qualified voters, is not known to the committee. Their numbers appear some too large for the extent of territory, but the committee are bound to suppose that those who have actively engaged in this matter, have acted with good faith, as they are personally known by a part of the committee, and have always sustained the reputation of gentlemen of probity and honor. Of the 181 who have

signed the counter memorials, who constitute a majority of two, twelve have since retracted and signed the petition in favor of the county, which makes a majority of ten in favor of the county.

Upon the whole view of the subject, the committee entertain the opinion that this territory would constitute a highly respectable and very convenient county, and therefore recommend the passage of the bill.

Signed TERRY H. CAHAL,
Chairman of the Committee.
J. POWELL,
WM. H. HENDERSON.

Said report was concurred in by the Senate, and the bill read a 2d time and passed.

Mr. Childress, as one of the minority of the select committee on the county of Marshall, made the following report, to wit:

The undersigned, one of the select committee to whom was referred the bill to establish a county composed of the surplus territory in the counties of Bedford, Lincoln, Giles and Maury, together with many memorials upon that subject, from the citizens residing in said territory to compose said new county as set forth by the memorialists, and also a resolution offered by the honorable Senator from Bedford and adopted by the Senate, instructing the committee to examine and report the constitutionality, practicability and expediency of extending said new county line north of Duck river to Williamson county, and further if necessary, &c. Said committee having had the same under consideration, and reporting thereon the undersigned differing in opinion in part with the report as made by the majority, begs leave to make the following report, in support of his views on the subject; and he will here remark, that it is with much diffidence and extreme regret, that such should be his situation. He at all times feels much delicacy in differing in opinion with those whose opinions and sentiments generally, he held in the highest estimation. But it is a duty he owes to those whom he represents, to himself, and to his country, to speak with that candor and independence that ever marks the true patriot.

It will be recollected that but a few days since, the same individual was found alone upon the final passage of the bill in the Senate establishing Powell county, and then it became necessary for him to ask the indulgence of the Senate in having his reasons spread upon the journals, in justification of that vote, which reasons and facts as set forth in that protest seemed to be admitted.

By the report of the majority of the committee as the true and essential constitutional requisitions to establish a new county, the undersigned is pleased to find gentlemen then differing with him in sentiment upon the propriety of establishing Powell county, now in the report just read at your table, admitting and contending for the doctrine there laid down, and which led to the negative vote upon the bill establishing Powell county.

It cannot be that interest in the slightest degree would swerve any individual in such a vote, and hence the inference is drawn that since the protest mentioned, gentlemen have bestowed more labor upon the subject, so as to arrive at a correct conclusion, and with the characteristicks of patriots, who

legislate for the welfare and happiness of the people, have discharged that duty required of them by the constitution.

It will be recollected that the doctrines then contended for, in that protest, was in part on account of the precedent of establishing counties upon bare petitions which did not pretend to state facts, but only impressions or beliefs, without even giving a data upon which such impressions were founded; which was then held to be no proof at all. It was then presumed to be sufficient to warn gentlemen of the danger of such precedents, and the evil that might result.

He knew it to be obvious to all, that under the present constitution of Tennessee, that if the legislature persisted in establishing counties in this way, that the time was not far distant when the power in the legislature will be in the hands of those residing in the smaller counties, and not forming a majority of the people of Tennessee, which is held by the undersigned to be a departure from the true republican principle of representation upon numbers.

Then the time may come when those citizens composing the large and populous counties, forming a majority of the sovereign people of the State, and paying into the treasury of the State the greater portion of its revenue, may be hewers of wood and drawers of water at the will of the minority; this state of affairs should be greatly feared and every step to bring it about much deprecated.

The report of the committee upon the subject of the resolution referred to them, meets the views and feelings of the undersigned; and he will add that in the event the citizens of Williamson, living on the southern border desired to be attached to the new county, it could not be done, unless the fact be shown that Williamson still retains her constitutional limits; and the undersigned feels it to be his duty to state the fact, that there always has been and is yet a doubt resting in the minds of many as to the constitutional limits of Williamson; then, as there are great doubts upon that subject, it would be passing strange in any legislative body, to lop off any part of that county, until the fact of its true contents be ascertained.

It is only necessary now to bestow some attention to the memorials and bill referred, by way of arriving at some correct conclusion. The undersigned is of opinion, from the evidence before the committee, that the memorialists have shown that they have sufficient territory in the bounds prayed to be laid off into a new county, he is satisfied that there is a population of four hundred and fifty voters and more; and he is also satisfied that it meets the approbation of a large majority of the voters living in that portion of Bedford, Maury and Lincoln, proposed to be taken off to form a part of said new county, but he has doubts as to the wishes of those living in that part of Giles to be stricken off, but he contends that there is no proof before the committee to justify the opinion that there will still remain in the counties of Maury and Lincoln, six hundred and twenty-five square miles. He is of opinion that the proof is stronger in favor of Giles having its constitutional limits than either of the two first mentioned; neither is there any evidence before the committee going to show that Bedford will have her four hundred and seventy-five square miles—yet, he is inclined to believe from the evi-

ence he has seen before another committee, that she will, and does not therefore object on account of Bedford. He is of opinion that the committee have no positive proof before them that the lines of the new county will not approach nearer the centres than twelve miles.

Then upon summing up the facts upon which this report is founded, will be found to consist in these—that Maury and Lincoln may not have their constitutional limits upon the creation of the new county proposed. That it is not satisfactorily shown that the voters in that part of Giles proposed to be taken wish it—and lastly, that no one of the lines of said new county, will not approach nearer than twelve miles of the centre or county seats. Therefore he is bound to dissent from the majority, and say he cannot give the least aid in establishing the county prayed for by the memorialists, however anxious he may be to see those individuals relieved from the many difficulties and inconveniences under which they labor.

Signed WILLIAM G. CHILDRESS.

A bill from the House of Representatives to incorporate the Gallatin female academy, was taken up read a first time and passed.

A bill to incorporate a female academy on little Harpeth in Williamson county, by the name of Elm Wood academy, was read a third time, passed and ordered to be transmitted.

On motion of Mr. Vernon, the Senate resumed the consideration of the unfinished business of yesterday, it being a bill to prescribe the duties and define the jurisdiction of justices of the peace.

The motion of Mr. Cahal, to strike out the ninth section, being first in order, and the sense of the Senate being thereon had, it was decided in the affirmative—ayes 11, noes 10.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Love, the affirmative voters are,

Mr. Armstrong, Cahal, Gordon, Gray, Henderson, Hynds, Moore, Motley, Powell, Totten and Trousdale—11.

The negative voters are,

Mr. Speaker Webster, Brown, Childress, Graves, Love, McGaughey, Reagan, Robertson, Rogers, and Vernon—10.

Mr. Gordon moved a reconsideration of the vote just taken on striking out the ninth section of the bill; which motion prevailed.

The question was then again had upon striking out said ninth section, and decided in the negative—ayes 11, noes 14.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Henderson, the affirmative voters are,

Mr. Armstrong, Cahal, Craighead, Gray, Henderson, Hynds, Moore, Motley, Powell, Totten and Trousdale—11.

The negative voters are,

Mr. Speaker Webster, Brown, Childress, Gordon, Graves, Johnson, Ledbetter, Love, McGaughey, Morford, Reagan, Robertson, Rogers and Vernon—14.

Mr. Trousdale moved to strike out from the word "issue," in the eleventh line of the tenth section of said bill to the end of said section, which motion failed.

Mr. Brown moved to strike out the words "one entire," in the tenth section of the bill, which motion prevailed.

Mr. Powell moved to fill the blank just made in the tenth section with the word "two," which motion prevailed.

Mr. Cahal moved to strike out the tenth section of the bill, which motion was rejected.

Mr. Gray, moved to strike out the first and second section of said bill, which motion was also rejected.

Mr. Cahal moved to amend the ninth section of the bill by striking out the words "the defendant resides" in the fourth line of said section, and insert in lieu thereof "the same has been served on the defendant." And the sense of the Senate being had thereon, said motion was rejected—ayes 8, noes 17.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Powell, the affirmative voters are,

Mr. Cahal, Craighead, Henderson, Hynds, Moore, Motley, Powell and Trousdale—8.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Johnson, Ledbetter, Love, McGaughey, Morford, Reagan, Robertson, Rogers, Totten and Vernon—17.

Mr. Henderson offered the following amendment to the 9th section of the bill, to wit:

"And in all civil actions cognizable before a justice of the peace, the precept shall be served at least five days previous to the trial. Unless the plaintiff, his agent or attorney, shall swear or prove to the satisfaction of the justice of the peace that the defendant or defendants are about to abscond or remove from the county in which he lives, or unless the plaintiff shall make oath that he has just reasons to believe that this delay would endanger the collection of his debt."

Mr. Cahal moved to amend said amendment by striking out all that part thereof from the word "trial" in the fifth line.

Which motion prevailed.

The question then recurred upon the adoption of the amendment as amended. And the sense of the Senate being thereon had, said amendment was rejected—ayes 11, noes 13.

The ayes and noes being demanded by Mr. Morford, seconded by Mr. Brown, the affirmative voters are,

Mr. Brown, Cahal, Craighead, Henderson, Hynds, Love, McGaughey, Morford, Powell, Rogers and Totten—11.

The negative voters are,

Mr. Speaker Webster, Childress, Gordon, Graves, Gray, Johnson, Ledbetter, Moore, Motley, Reagan, Robertson, Trousdale and Vernon—13.

Mr. Trousdale moved to strike out the twentieth section of the bill; which motion was rejected.

Mr. Gray moved to amend the second section of the bill by inserting after the word "articles" in the sixth line, the words "whether due by obligation, note or assumpsit." Which motion failed.

Mr. Robertson moved to strike [out] all that part of the nineteenth section after the words "this act," and insert in lieu thereof the following:

FORM OF JUDGMENT AND EXECUTION DOCKET FOR JUSTICES OF THE PEACE.

No.	Date of Trial.	Parties' Names.	Amount of Judgment.	By whom stayed.	Returning Officer.	Execution when issued.	Bill of Cost.	Officer's Return.
1	1836 January 15	John Doe vs. Rich'd Roe.	$98 37½	Jno. Denison.	Thos. Gripe	1836 January 16	Justice J. P. for judgment and f. f. $ 37½ Const. Gripe, for serving w't. 50 Witness A. B. 25	fi fa returned satisfied, July 15, 1836, T. Gripe, Constable.

Which motion prevailed.

The question then recurred upon the passage of the bill as amended. And the question, Shall the bill pass a second reading? being had thereon, it was determined in the affirmative—ayes 17, noes 8.

The ayes and noes being demanded by Mr. Motley, seconded by Mr. Gray, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Reagan, Robertson, Rogers and Vernon—17.

The negative voters are,

Mr. Cahal, Henderson, Moore, Morford, Motley, Powell, Totten and Trousdale—8.

Mr. Morford submitted the following:

Resolved, That the committee on new counties and county lines be and they are hereby authorised to send for persons and papers in relation to establishing the county of Cannon; and that said committee have leave to examine on oath or otherwise such persons as may come before them.

And the Senate adjourned.

THURSDAY, JANUARY 14, 1836.

Mr. Graves introduecd a bill to incorporate the Tennessee and Coosa rail road company. Which was read a first time and passed.

On motion of Mr. Powell said bill was referred to the committee on internal improvement.

Mr. Cahal moved to take up a bill to establish the county of Marshall; which motion prevailed.

Mr. Cahal moved to fill blanks in the bill wherever they occur, with the word "Marshall," so as to make the body of the bill correspond with the caption. Which motion prevailed.

On motion of Mr. Cahal, the blank in the 4th section was filled with the names of Alexander Johnson, John O'Neal, John S. Russworm, James Bright, and James Patterson.

Mr. Cahal moved that the blank in the fifth section be filled with "Lewistown," in honor of Meriwether Lewis.

Which motion was agreed to.

Mr. Speaker Webster (then on the floor) moved to recommit the bill to the select committee, with the following instructions, to wit: To report to this Senate the propriety or impropriety of attaching so much of the surplus territory of Maury and Bedford to the county of Marshall, north of Duck river, as a majority of the qualified voters therein may agree to, south of a line to be run across said territory due west; and that said committee have leave to report by adding to the said county or otherwise.

And the sense of the Senate being thereon had, said motion was rejected —ayes 11, noes 13.

The ayes and noes being demanded by Mr. Webster, seconded by Mr. Morford, the affirmative voters are,

Mr. speaker Webster, Armstrong, Childress, Graves, Gray, Love, Morford, Motley,, Rogers, Trousdale and Vernon—11.

The negative voters are,

Mr. Cahal, Craighead, Gordon, Henderson, Hynds, Ledbetter, Johnson, McGaughey, Moore, Powell, Reagan, Robertson and Totten—13.

On motion of Mr. Ledbetter, said bill was ordered to the table.

On motion of Mr. Johnson, the Senate took up a bill for electing a comptroller of the treasury, and to prescribe his duties.

Mr. Love moved to strike out the enacting clause of said bill. And the sense of the Senate being taken thereon, said motion was rejected—ayes 10, noes 15.

The ayes and noes being demanded by Mr. Love, seconded by Mr. Totten, the affirmative voters are,

Mr. Graves, Hynds, Love, McGaughey, Powell, Reagan, Robertson, Rogers, Totten and Vernon—10.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Moore, Morford, Motley and Trousdale—15.

Mr. Hynds moved to amend the first section of the bill by striking out from the enacting clause to the word "payable" in the seventh line of said section, and insert in lieu thereof, "that the Secretary of State shall be *ex-officio* comptroller of the treasury, and he shall give bond and security for the faithful performance of his duty as such, in the sum of twenty thousand dollars."

And the sense of the Senate being had thereon, said amendment was rejected—ayes 6, noes 19.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Love, the affirmative voters are,

Mr. Hynds, Love, McGaughey, Powell, Reagan and Robertson—6.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Moore, Morford, Motley, Rogers, Totten, Trousdale and Vernnn—19.

Mr. Hynds moved to amend the 24th section, by striking out the "15th of February," and insert the "first of March."

Which motion prevailed.

Mr. Henderson moved further to amend said section by striking out the words "shall remain there for the space of twenty days," and insert "till the first of May." Which motion also prevailed.

Mr. Love moved to strike out the twenty-fourth section of the bill. And the sense of the Senate being had thereon, it was rejected—ayes 9, noes 16.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Henderson, the affirmative voters are,

Mr. Hynds, Love, McGaughey, Moore, Powell, Reagan, Robertson, Totten & Vernon—9.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead,

Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Morford, Motley, Rogers and Trousdale—16.

Mr. Love moved to lay the bill on the table; which motion was lost.

Mr. Love asked leave to withdraw said bill for amendment; which was refused.

Mr. Totten moved to lay the bill on the table, and that twenty-five copies of it be printed for the use of the Senate.

Which motion was rejected.

Mr. Graves moved to strike out the twenty-fifth section of the bill; which motion prevailed.

Mr. Gray moved to strike out "twelve hundred and fifty dollars," in the twenty-first section of the bill, for the purpose of inserting "fourteen hundred dollars."

Mr. Cahal moved to strike out the same, for the purpose of inserting "fifteen hundred dollars." Which motion having precedence, the sense of the Senate was thereon had, and rejected—ayes 10, noes 15.

The ayes and noes being demanded by Mr. Rogers, seconded by Mr. Graves, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Ledbetter, Morford and Trousdale—10.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Hynds, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—15.

The question then recurred upon the motion of Mr. Gray to strike out twelve hundred and fifty dollars, for the purpose of inserting fourteen hundred dollars.

And the sense of the Senate being had thereon, it was decided in the negative—ayes 10, noes 15.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Johnson, Ledbetter, Morford and Trousdale—10.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Henderson, Hynds, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—15.

Mr. Gray moved a reconsideration of the vote on the motion of [Mr.] Graves to strike out the 25th section of the bill.

And the sense of the Senate being thereon had, said motion was rejected ayes 11, noes 14.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Vernon, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Morford and Trousdale—11.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Hynds, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—14.

Mr. Totten moved to strike out "twelve hundred and fifty dollars" from the twenty-first section of the bill.

Which motion was rejected.

The question then recurred upon the passage of the bill. And the sense of the Senate being had thereon, said bill passed a 2d time.

On motion of Mr. Love, Ordered, that twenty-five copies thereof be printed for the use of the Senate.

A bill fixing the rate of interest in this State, was taken up, read a second time and passed.

Mr. Totten from the committee on public lands, to whom was referred a bill from the House of Representatives for the relief of occupants south and west of the congressional reservation line, and north of Winchester's line, and for other purposes—reported that the committee have had the same under consideration, think the provisions thereof reasonable, and had instructed him to recommend its passage.

Said report was concurred in, the bill read a first time and passed.

On motion of Mr. Totten said bill was made the order of the day for Wednesday next.

On motion of Mr. Powell, the Senate took up the report of the internal improvement committee, it being a bill (with sundry amendments proposed thereto by the committee) incorporating the Cincinnati and Charleston rail road company.

Mr. Rogers moved to strike out the name of Arthur Crozier, as one of the commissioners for the opening of books to receive subscriptions for stock in said company at Clinton, and insert the name of James Ross.

Which motion prevailed.

Mr. Powell moved to strike out the name of James D. Rhea, at Blountsville, and insert that of James Deery. Which motion also prevailed.

Mr. Graves moved to strike out the nineteenth section of the bill. Said motion was rejected.

The committee on internal improvement reports the following proviso to the 39th section, to come in after the word "court," in the fourteenth line of said section, to wit:

"Provided that no individual shall be fined higher than fifty dollars under the provisions of this act, unless said fine shall be assessed by a jury."

Said amendment was adopted.

The committee also report that the forty-third section of the bill be stricken out, and the following amendment be inserted in lieu thereof, to wit:

Section 43. Be it enacted, That the capital stock of said company shall be forever exempt from taxation, and all their other property, of every kind and description, situated within this State, including the road and rails, shall be exempt from taxation for and during the period of twenty years from the passage of this act, but no longer: Provided, the property of said company shall never be taxed at a higher rate than the property belonging to other individuals or corporations within this State.

The committee further report the following section to the bill, to come in after the 48th section, viz:

Sec. 49. Be it enacted, That nothing in this act contained shall be so con-

strued as to confer on the said company any exclusive privilege or monopoly, so as to prevent this State or its citizens under its authority from making at any time hereafter any similar public work, or intersecting or connecting with the road herein authorised, any branch or lateral rail road or public work of internal improvement which they may deem proper: Provided the same is done in such manner as not to injure the road or works hereby authorised; but full right is reserved to this State, or any individual or company it may authorise to that effect, to connect with said road, any branch or lateral rail road or other work of internal improvement in the manner above specified, extending to any part of this State.

Said reports were concurred in by the Senate, the bill read a second time as amended, and passed.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. Speaker: The House of Representatives have read a third time and passed, a bill from the Senate to provide for the election of a Governor, representatives in Congress, members of the General Assembly, sheriffs, trustees, registers, circuit court and county court clerks, and for other purposes, with sundry amendments thereto, herewith transmitted, in which they ask the concurrence of the Senate. And then he withdrew.

The Senate concurred in the first and third amendments to said bill, and non-concur with the last amendment thereto.

The question of concurrence was taken on the second amendment to wit—amendment to fourth section:

And there shall be elected by the qualified voters in each county north and east of the congressional reservation line, and north of the Tennessee river, one entry taker and one county surveyor, at the same times and places at which the first election for sheriffs shall be made under the amended constitution, and who shall hold their offices for the term of four years, and until their successors are elected and qualified. They shall, before entering upon the duties of their office, take the oath, and give bond and security in the manner prescribed for county entry takers and surveyors heretofore appointed; and they shall in the discharge of their duties, and in every thing pertaining to their offices respectively, be governed by the existing laws.

And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 16, noes 5.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Morford, the affirmative voters are,

Mr. Brown, Graves, Gray, Henderson, Hynds, Johnson, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—16.

The negative voters are,

Mr. Cahal, Childress, Gordon, Robertson and Totten—5.

Mr. Henderson moved a reconsideration of the vote just taken upon the concurrence of the second amendment.

Which motion prevailed.

Mr. Childress at the request of Mr. Gray moved a reconsideration of the

vote non-concurring with the fourth amendment of the House of Representatives to said bill. Which motion also prevailed.

The Senate then adjourned.

FRIDAY, JANUARY 15th, 1836.

Mr. Johnson presented the petition of sundry citizens of Robertson county, praying the passage of a law to have the western boundary line of said county to be run straight from the Sulphur fork of Red river to the Kentucky line. Which was referred on his motion to the committee on new counties and county lines.

Mr. Moore presented the petition of sundry citizens of Giles county, adverse to the establishment of a new county.

On motion of Mr. Cahal, said petition was ordered to the table.

Mr. Armstrong from the committee on military affairs, reported a bill to revise and amend the militia laws of this State.

Mr. Childress moved to amend said report by adding thereto the following, to wit:

The militia of the county of Williamson shall form four regiments, which regiments shall be laid off in squares as near as practicable, and of the following numbers, to wit: 21, 44, 97 and 132.

Mr. Hynds moved also to amend said report as follows, to wit:

The militia of the counties of Cocke, Jefferson, Grainger and Claiborne, shall compose the third brigade; and

Mr. Ledbetter moved further to amend said report as follows, to wit:

The militia of the county of Rutherford shall be laid off into four regiments, in squares as near as practicable, so as to include in the 22d regiment seven districts; in the 45th regiment six districts; in the 53d regiment six districts, and in the 104th regiment six districts, as laid off by the county commissioners.

Said several amendments were accepted by the Senate, the report as amended concurred in, the bill read a first time and passed.

On motion of Mr. Brown the said bill and amendments were recommitted to the committee on military affairs.

Mr. Craighead submitted the following:

Resolved, That the committee on military affairs be instructed to amend the bill by them reported on that subject, by adding a section which shall define the duties of judge advocate; shall ascertain and fix his compensation, and accurately define the extent and the mode of his accountability for such fines as may come into his hands.

On motion of Mr. Craighead, the rule requiring resolutions to lie one day on the table was suspended, and the resolution adopted.

Mr. McGaughey from the committee on propositions and grievances, to whom was referred the petition of John Poe, made the following report, to wit:

The committee on propositions and grievances have had under consideration the petition of John Poe, a citizen of McMinn county, praying the pas-

sage of a law authorising the Treasurer to pay him a reasonable compensation for certain improvements made by him on the south west quarter of section one, township fifth, range first, west of the meridian, in the Hiwassee district, subsequent to the sale of the Hiwassee lands, and prior to an entry office being opened in said district.

They have carefully examined all laws upon the subject of those lands, of a general nature; also the act to which the petitioner alludes for the relief of Robert Thompson and the heirs of David Thompson, dec'd, and have no doubt of the correctness of the statement made by the petitioner on that subject; and that he should have been compensated for his improvement by the State, or the individual who enjoyed the benefit thereof, at the time he was dispossessed.

But at this late period, when some fourteen or fifteen years have elapsed, and our constitutional law having undergone a revision, confining legislative power to the enactment of laws of a general nature, the committee feel constrained to return said petition, and ask to be discharged from the further consideration thereof. Respectfully submitted.

JOHN McGAUGHEY, Ch'n.

On motion of Mr. Reagan, said report was ordered to the table.

The Senate resumed the unfinished business of yesterday, it being a message from the House of Representatives with sundry amendments to a bill to provide for the election of a Governor, representatives to Congress, members of the General Assembly, sheriffs, trustees, registers, circuit court and county court clerks, and for other purposes.

The first question in order was upon a motion of Mr. Gray to concur with the fourth amendment proposed by the House of Representatives to said bill. And the sense of the Senate being had on said motion, it was concurred with.

Mr. Childress moved to non-concur with so much of the amendment of the House to the fourth section of the bill as gives the election of county surveyors and entry takers to "the qualified voters" in the first line of said amendment, and insert in lieu thereof "the justices of the county court," and non-concur with the "third and fourth" lines of said amendment, and insert in lieu thereof, "at the March term of the county court, or any subsequent term of the court,"

And the sense of the Senate being had thereon, it was determined in the negative—ayes 11, noes 12.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Reagan, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Ledbetter and Robertson—11.

The negative voters are,

Mr. Graves, Hynds, McGaughey, Moore, Morford, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—12.

Mr. Vernon moved a reconsideration of the vote just taken—which motion prevailed—ayes 13, noes 12.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Powell, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Love and Robertson—13.

The negative voters are,

Mr. Graves, Hynds, McGaughey, Moore, Morford, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—12.

The question then recurred upon the adoption of the motion of Mr. Childress, and agreed to.

Mr. Speaker Webster (then on the floor) offered the following amendment to the said amendment of the House, to wit:

Provided that the present surveyors in each county shall have the further time of six months to survey, to record the platts and certificates, and to make returns of the unfinished business in his office. And

Mr. Gordon offered the following as a further amendment to said amendment, to wit:

Provided that those counties through which the reservation line may run, shall have the power to elect a county surveyor and entry taker for each county, in the same manner as pointed out for those counties lying north and east of the congressional reservation line.

Said several amendments were adopted, and said amendment as amended was concurred in.

Ordered, That the clerk acquaint the House of Representatives therewith.

Mr. Speaker Webster presented a communication from the Treasurer of Middle Tennessee; which was read, and on motion of Mr. Cahal, ordered to the table.

Mr. Robertson submitted the following:

Resolved, That the committee on public lands be instructed to enquire into and report the expediency of abolishing the offices of surveyor general south and west of the congressional reservation line, and establishing county surveyors in their stead.

On motion of Mr. Robertson the rule requiring resolutions to lie one day on the table was suspended, and the resolution adopted.

Mr. Johnson submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That no original bill or resolution, or other original matter shall be introduced in either branch of this General Assembly after the first day of February next. But that they will proceed to the unfinished business then on the table, and will immediately after the completion thereof adjourn.

Mr. Trousdale moved to amend said resolution by adding the words "or before" after the word "thereof," in the last line of the resolution.

Which motion prevailed.

Mr. Gray moved further to amend said resolution by inserting the words "except through committees," after the word "next," in the fifth line thereof.

Which was agreed to.

Mr. Brown moved to amend said resolution by adding thereto the following to wit: "Except such business as is required by the amended Constitution, which requires the action of this General Assembly."

Mr. Cahal offered the following resolution in lieu of the resolution of Mr. Johnson and amendments thereto, to wit:

Resolved, That this General Assembly will adjourn so soon as the necessary public laws and resolutions are passed, and it can be done consistently with the public interest, and not before.

And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 16, noes 9.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Rogers, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Love, Moore, Powell, Robertson and Rogers—16.

The negative voters are,

Mr. Craighead, Johnson, McGaughey, Morford, Motley, Reagan, Totten, Trousdale and Vernon—9.

Mr McGaughey submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That it is hereby made the duty of Thomas Crutcher, Treasurer of the State, to make demand of the President of the Union Bank of the State of Tennessee, of the profits which may have arisen on the stock owned by the State in said bank; also the bonus agreed to be paid by said bank for the privileges conferred by their charter, as well as the interest which may have arisen upon the deposites of public money authorised to be made by the Treasurer of the State in said bank, agreeable to the provisions of the 7th and 11th sections of said act, and that he shall forthwith report the result to this General Assembly.

Mr. Johnson moved the suspension of the rule requiring resolutions to lie one day on the table.

And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 19, noes 5.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Johnson, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—19.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead and Gordon—5.

Mr. Childress offered the following amendment to the resolution of Mr. McGaughey, to wit:

"And that the preamble and resolutions adopted by the Senate on the 11th inst. charging and declaring that said Union Bank had refused to pay to the State the profits, bonus and interest due the State from said bank, and that such refusal was in violation of the charter, and amounts to a forfeiture of the same, and that a scire facias issue from the supreme court of errors and appeals in the name of the State of Tennessee, calling upon said corporation to appear before said court at the next term thereof, to show cause if any they have, why the charter granted to said corporation should not be declared forfeited, by the 23d section of said charter, be and the same is hereby rescinded, repealed and made void."

And the question being had thereon, it was rejected—ayes 7, noes 17.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Powell, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Ledbetter and Morford—7.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Henderson, Hynds, Johnson, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—17.

Mr. Powell offered the following resolution in lieu of the one offered by Mr. McGaughey, to wit:

Resolved, That a select committee be appointed, to consist of three from each branch of this General Assembly, to call on the officers of the Union Bank, and demand the bonus and interest due from said bank to the State, which money, if paid, shall be received by the Treasurer in person.

And the sense of the Senate being had thereon, it was rejected.

The question then recurred upon the adoption of the resolution offered by Mr. McGaughey.

And the sense of the Senate being thereon had, it was adopted—ayes 19, noes 5.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Johnson, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—19.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead and Gordon—5.

Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Then the Senate adjourned.

SATURDAY, JANUARY 16th, 1836.

Mr. Childress presented sundry petitions of the counties of Bedford, Maury and Williamson, praying the establishment of a new county, to be composed of a part of the territory of each of said counties.

On motion of Mr. Childress said petitions were referred to a select committee of five.

The chair appointed Mr. Childress, Cahal, Moore, Vernon and Reagan to be of said committee.

Mr. Moore presented sundry petitions and documents from a portion of the citizens of Giles county, adverse to the establishment of a new county; which were referred on his motion to the select committee on the county of Marshall.

Mr. Johnson from the committee on claims, made the following report, to wit:

The committee on claims have had under consideration the case of Spencer

Paine, formerly of Dyer, and now a citizen of Haywood county, and beg leave to make the following report:

The Legislature, on the 16th of October, 1824, chapter 128, passed an act purporting to give authority to the county courts of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Madison, Haywood, Tipton and Hardeman to levy a tax not exceeding twelve and one half cents per hundred acres of land, and to keep up said tax for five years, to be applied to the improvement of Hatchee, Forked Deer and Obion rivers.

And in the second section the Legislature proceeded to appoint nine commissioners or trustees, three for each of these rivers, to receive the navigation tax, to let any piece of work that might be deemed beneficial, or an improvement to the navigation of said streams.

Moses Woodfin, Adam Huntsman and R. H. Dyer were the three trustees appointed for the forked deer river, and believing that the cutting or opening a canal connecting the forked deer river with the Mississippi, would be a great improvement to the navigation of the forked deer river, as it would shorten the distance of the navigation in said river about twenty miles, and the most difficult and dangerous part of the river, they proceeded to advertise and let out the work. Spencer Paine became the undertaker of said work, and entered into bond to perform the same.

The work was completed according to contract; the county court of Dyer proceeded to levy the tax together with other counties. The sheriff of Obion county in pursuance of said act, made a levy on the property of George W. L. Marr, who had refused to pay the tax, alleging it to be unconstitutional; the case was carried up to the supreme court, and said court decided that the aforesaid tax was unconstitutional, because it was not equal and uniform; said navigation tax therefore was not nor could not be collected.

Your committee are of opinion that the said Spencer Paine is without any remedy by the existing laws, and that he is entitled to the money with interest thereon, and that he has been led into the difficulty, as well as the county court of Dyer, and also the trustees by the act aforesaid, and as the difficulty has (in the opinion of your committee) been produced by improper legislation, and thereby the whole scheme of improvement failed; that it is right and proper that the State should pay it, or that some provision should be made for the county of Dyer to pay it. Your committee are decidedly of opinion that Spencer Paine, who contracted with the commissioners, and whom, as your committee has been informed, has completed the work, should receive pay from some source or another. But your committee are at a loss to know from what source it should be paid, and would therefore ask the Senate most respectfully that the claim may be presented to the committee of the whole on next Tuesday, for instruction as to what report they should make.

All of which is most respectfully submitted.

W. B. JOHNSON, Chairman.

Said report was concurred in by the Senate.

A bill to incorporate the Gallatin female academy, was taken up, read a second time and passed.

On motion of Mr. Reagan, the Senate took up a bill to establish the county of Bradley.

Mr. McGaughey moved the reference of said bill to a select committee of three; which motion prevailed.

The chair thereupon appointed Mr. McGaughey, Cahal and Ledbetter to be of said committee.

On motion of Mr. Gray the Senate took up a bill to provide for [the] electing a comptroller of the treasury, and to prescribe his duties, and made it the order of the day for Monday next.

On motion of Mr. Hynds, the Senate took up a bill fixing the salary of the chancellors and circuit court judges in this State.

Mr. Gray moved to strike out "fifteen hundred dollars" in the 2d section of the bill, and insert in lieu thereof "thirteen hundred dollars."

And the sense of the Senate being had thereon, it was decided in the negative—ayes 12, noes 13.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Vernon, the affirmative voters are,

Mr. Armstrong, Graves, Gray, Ledbetter, Love, McGaughey, Morford, Motley, Powell, Reagan, Rogers and Vernon—12.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Hynds, Johnson, Moore, Robertson, Totten and Trousdale—13.

Mr. Trousdale moved to fill the blank in the first section of the bill with "eighteen hundred dollars."

And the sense of the Senate being had thereon, it was rejected—ayes 8, noes 17.

The ayes and noes being demanded by Mr. Rogers, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Henderson, Johnson, Totten and Trousdale—8.

The negative voters are,

Mr. Speaker Webster, Armstrong, Gordon, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers and Vernon—17.

Mr. Totten moved to fill said blank with "seventeen hundred dollars."—And the question being thereon had, it was rejected—ayes 8, noes 17.

The ayes and noes being demanded by Mr. Love, seconded by Mr. Graves, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Henderson, Johnson, Totten and Trousdale—8.

The negative voters are,

Mr. Speaker Webster, Armstrong, Gordon, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers and Vernon—19.

Mr. Henderson moved that the blank be filled with "sixteen hundred and fifty dollars." And the sense of the Senate being had thereon, it was determined in the negative—ayes 11, noes 14.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Rogers, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Morford, Robertson, Totten and Trousdale—11.

The negative voters are,

Mr. speoker Webster, Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Rogers and Vernon—14.

Mr. Cahal moved that it be filled with "sixteen hundred dollars." And the sense of the Senate being had thereon, it was rejected—ayes 12, noes 13.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Rogers, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Moore, Morford, Robertson, Totten and Trousdale—12.

The negative voters are,

Mr. speaker Webster, Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Motley, Powell, Reagan, Rogers and Vernon—13.

Mr. Moore then moved to fill the blank with "fifteen hundred dollars."

And the sense of the Senate being had thereon, it was determined in the negative— ayes 9, noes 16.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Love, the affirmative voters are,

Mr. speaker Webster, Craighead, Gray, Hynds, Ledbetter, Moore, Motley, Robertson and Trousdale—9.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Gordon, Graves, Henderson, Johnson, Love, McGaughey, Morford, Powell, Reagan, Rogers, Totten and Vernon—16.

Mr. Graves moved to fill said blank with "thirteen hundred dollars."

Mr. Trousdale moved to fill the same with "fifteen hundred and fifty dollars." Which motion having precedence the question was thereon had, and determined in the negative—ayes 10, noes 15.

The ayes and noes being demanded by Mr. Rogers seconded by Mr. Powell, the affirmative voters are,

Mr. speaker Webster, Brown, Childress, Craighead, Gordon, Johnson, Moore, Morford, Robertson and Trousdale—10.

The negative voters are,

Mr. Armstrong, Cahal, Graves, Gray, Henderson, Hynds, Ledbetter, Love, McGaughey, Motley, Powell, Reagan, Rogers, Totten and Vernon—15.

The question then recurred upon the motion of Mr. Graves to fill the blank with "thirteen hundred dollars."

And the sense of the Senate being had thereon, it was rejected—ayes 7, noes 18.

The ayes and noes being demanded by Mr. Gordon, seconded by Mr. Johnson, the affirmative voters are,

Mr. Armstrong, Graves, McGaughey, Powell, Reagan, Rogers and Vernon—7.

The negative voters are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Gray,

Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Robertson, Totten and Trousdale—18.

Mr. Love moved a reconsideration of the vote taken on filling the blank with "fifteen hundred dollars."

Which motion was rejected.

Mr. Hynds moved a reconsideration of the vote taken on Mr. Gray's motion to strike out "fifteen hundred dollars," in the 2nd section of the bill for the purpose of inserting "thirteen hundred dollars."

And the sense of the Senate being thereon had, it was rejected—ayes 12, noes 13.

The ayes and noes being demanded by Mr. Totten, seconded by Mr. Johnson, the affirmative voters are,

Mr. Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Motley, Powell, Reagan, Rogers and Vernon—12.

The negative voters are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Moore, Morford, Robertson, Totten and Trousdale—13.

Mr. Morford moved a reconsideration of the vote rejecting the motion of Mr. Cahal, to fill the blank in the first section of the bill with "sixteen hundred dollars."

And the sense of the Senate being had thereon it was rejected—ayes 12, noes 13.

The ayes and noes being demanded by Mr. Reagan, seconded by Mr. Vernon, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Moore, Morford, Robertson, Totten and Trousdale—12.

The negative voters are,

Mr. Speaker Webster, Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Motley, Powell, Reagan, Rogers and Vernon—13.

Mr. Johnson moved to fill the blank in the first section of the bill with "fifteen hundred and seventy five dollars."

And the question being thereon had, it was determined in the negative —ayes 12, noes 13.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Reagan, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Moore, Morford, Robertson, Totten and Trousdale—12.

The negative voters are,

Mr, speaker Webster, Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Motley, Powell, Reagan, Rogers and Vernon—13.

Mr. Johnson moved to lay said bill upon the table. Which motion failed.

Mr. Trousdale moved to fill the blank in the first section of the bill, with "fifteen hundred and twenty-five dollars."

And the sense of the Senate being thereon had, said motion was rejected —ayes 5, noes 20.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Graves, the affirmative voters are,

Mr. speaker Webster, Brown, Craighead, Moore and Trousdale—5.

The negative voters are,

Mr. Armstrong, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—20.

Mr. Powell moved to adjourn till Monday morning, 9 o'clock. Which motion failed.

The question then recurred upon the passage of the bill on its third reading, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 14, noes 11.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Moore, Morford, Motley, Robertson, Totten and Trousdale—14.

The negative voters are,

Mr. Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Powell, Reagan, Rogers and Vernon—11.

Mr. Johnson moved that the Senate do now adjourn till Monday morning nine o'clock.

And the question, Will the Senate now adjourn? being had thereon, it was determined in the negative—ayes 7, noes 18.

The ayes and noes being demanded by Mr. Reagan, seconded by Mr. Gray, the affirmative voters are,

Mr. Brown, Cahal, Craighead, Hynds, Johnson, Morford and Trousdale —7.

The negative voters are,

Mr. speaker Webster, Armstrong, Childress, Gordon, Graves, Gray, Henderson, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—18.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. speaker: The House of Representatives concur with the amendment proposed by the Senate, to their amendment to the 4th section of a bill from the Senate, to provide for the election of a Governor, Representatives in Congress, members of the general assembly, sheriffs, trustees, registers, clerks of the circuit, clerks of the county court, and for other purposes, except the word "March," with which they non-concur, and propose to insert the word "May" in lieu thereof, in which they ask the concurrence of the Senate.

And then he withdrew.

Whereupon Mr. Childress moved that the Senate recede from that part of their amendment non-concurred in by the House of Representatives, and concur with their proposed amendments.

And the sense of the Senate being had thereon, said motion was agreed to. Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Hynds moved that the Senate do now adjourn till Monday morning 9 o'clock, and the question, Will the Senate now adjourn? being had thereon, it was determined in the negative—ayes 5, noes 19.

The ayes and noes being demanded by Mr. Reagan, seconded by Mr. Gray, the affirmative voters are,

Mr. Cahal, Craighead, Hynds, Johnson and Trousdale—5.

The negative voters are,

Mr. speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Henderson, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—19.

On motion of Mr. Robertson, the Senate took up a bill from the House of Representatives to incorporate the Oakland academy in the county of Fayette, which was read a first time and passed.

Mr. Robertson asked and obtained leave to withdraw the same for amendment.

Mr. Henderson moved that the Senate do now adjourn till Monday morning 9 o'clock.

And the sense of the Senate being had thereon, it was determined in the negative—ayes 10, noes 14.

The ayes and noes being demanded by Mr. Reagan, seconded by Mr. Gray, the affirmative voters are,

Mr. speaker Webster, Brown, Cahal, Craighead, Graves, Henderson, Johnson, Motley, Rogers and Totten—10.

The negative voters are,

Mr. Armstrong, Childress, Gordon, Gray, Hynds, Ledbetter, Love, McGaughey, Moore, Powell, Reagan, Robertson, Trousdale and Vernon—14.

Mr. Ledbetter submitted the following:

Resolved, That a motion to adjourn shall not be in order until after 10 o'clock this afternoon.

Mr. Ledbetter moved a suspension of the rule requiring resolutions to lie one day on the table, which motion failed.

Mr. Hynds moved to take up a resolution heretofore submitted by him, upon the subject of "adjourning," which motion was rejected.

Mr. Gray moved that the bills be taken up and read in the order prescribed by the rules of the Senate, but before the question was had upon said motion,

Mr. Powell moved that the Senate do now adjourn till Monday morning 9 o'clock. And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded by Mr. Reagan, seconded by Mr. Gray, the affirmative voters are,

Mr. speaker Webster, Cahal, Craighead, Graves, Hynds, Johnson, Ledbetter, Motley, Powell, Rogers, Totten and Trousdale—12.

The negative voters are,

Mr. Armstrong, Brown, Childress, Gordon, Gray, Love, McGaughey, Moore, Reagan, Robertson and Vernon—11.

MONDAY, JANUARY 18th, 1836.

Mr. Hynds, from the committee on internal improvement, to whom was referred "a bill to incorporate the Tennessee and Coosa rail road company," reported that the committee have had the same under consideration, think the provisions thereof reasonable, and had instructed him to recommend its passage.

Said report was on motion of Mr. Ledbetter, ordered to the table.

Mr. Hynds, from the same, to whom was referred memorials from sundry citizens of Monroe, Blount and Roane counties, upon the subject of chartering a rail road company to construct a rail road from Knoxville, or Blair's ferry in Tennessee, by Philadelphia and Athens, to some point on the Georgia State line so as to meet the Augusta and Athens rail road at said point, reported that the committee have had the same under consideration, and had instructed him to report favourably of the prayer of the petitioners.

Said report was ordered to the table.

Mr. Hynds, from the same, to whom was referred the petition of sundry citizens of White county, praying the passage of a law to authorise James Dillon to open a turnpike road, from, at, or near Knowles' lane in White county, to the McMinnville road near where Abraham Miller lives, and to cross the Caney fork at or near the ford at Dillon's ferry; reported that the committee have had the same under consideration, and had instructed him to report the prayer of the petitioners unreasonable.

Said report was on motion of Mr. Armstrong, ordered to the table.

Mr. Hynds, from the same, to whom was referred the petition of Joshua Wright of Fentress county, praying the passage of a law causing Rose's turnpike road to run with the valley road, so as to intersect the Emory turnpike road at a point marked C, on a map accompanying said petition, reported that the committee have had the same under consideration, think the prayer thereof unreasonable, and had instructed him to ask to be discharged from the further consideration of the same.

Said report was concurred in by the Senate.

Mr. Hynds, from the same, asked to be discharged from the further consideration of the memorial and report of the commissioners of the Tennessee canal company. Which was granted.

Mr. Johnson introduced a bill to incorporate the Clarksville and Russelville rail road company, which was read a first time and passed.

The Senate took up the order of the day, it being "a bill to provide for the electing a comptroller of the Treasuary, and to prescribe his duties."

Mr. Johnson moved to amend the 19th section of the bill, by adding there to the following: "and also all errors made by clerks and other returning officers." Which motion was agreed to.

Mr. Hynds moved to insert the words "if necessary," after the word "there" in the 4th line of the 24th section of the bill.

Which motion prevailed.

Mr. Cahal moved to insert "if necessary" after the word "there" in the 6th line of the 24th section.

Said motion was rejected.

Mr. Johnson moved to strike out the words "of State" in the second line of the 18th section. Which motion was agreed to.

Mr. Rogers moved a reconsideration of the vote adopting the amendment of Mr. Hynds, to the 24th section of the bill.

Which motion prevailed.

Mr. Rogers moved to strike out "Monday" in the third line of the 24th section of the bill, and insert the word "day" in lieu thereof.

Which was agreed to.

Mr. Henderson moved to strike out the 20th section of the bill. Which motion failed.

Mr. Cahal moved to reinstate the 25th section of the bill. And the sense of the Senate being had thereon, it was determined in the negative —ayes 12, noes 13.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Rogers, the affirmative voters are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Ledbetter, Moore, Morford and Trousdale—12.

The negative voters are,

Mr. Armstrong, Graves, Gray, Hynds, Love, McGaughey, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—13.

Mr. Hynds moved to strike out "twelve hundred and fifty dollars" in the 21st section of the bill, for the purpose of inserting in lieu thereof "one thousand dollars."

And the question being had thereon it was determined in the negative—ayes 11, noes 14.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Love, the affirmative voters are,

Mr. Armstrong, Graves, Hynds, Love, McGaughey, Powell, Reagan, Robertson, Rogers, Totten and Vernon—11.

The negative voters are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Moore, Morford, Motley and Trousdale —14.

Mr. Cahal moved to strike out the 24th section of the bill. And the sense of the Senate being had thereon, it was determined in the negative—ayes 12, noes 12.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Morford, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Johnson, Ledbetter, Love, Morford, Totten and Trousdale—12.

The negative voters are,

Mr. speaker Webster, Armstrong, Graves, Henderson, Hynds, McGaughey, Moore, Powell, Reagan, Robertson, Rogers and Vernon—12.

Mr. Armstrong offered the following amendment to the 24th section of the bill, to wit: "and at Sparta on the first day of July, and remain there until the first of August to settle with clerks, collectors, and other officers for the

mountain district, and also to audit claims that may be presented for adjudication by the people residing in said district."

And the question being had on said amendement it was determined in the affirmative—ayes 15, noes 10.

The ayes and noes being demanded by Mr. Armstrong, seconded by Mr. Love, the affirmative voters are,

Mr. speaker Webster, Armstrong, Graves, Hynds, Ledbetter, Love, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Rogers, Totten and Vernon—15.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Motley and Trousdale—10.

Mr. Trousdale moved to strike out the words "in the manner prescribed by law," in the last line of the 20th section, and insert in lieu thereof the following, to wit: "by motion before the circuit court of the county in which such failure shall happen, at the first or any subsequent term of the court after said payment should have been made, and said court is hereby authorised and required to enter up judgment on motion in all such cases, for such sum or sums of money as shall appear to be due."

Which motion was agreed to.

On motion of Mr. Ledbetter, said bill was ordered to the table.

The speaker presented to the Senate a communication from Thomas Crutcher, treasurer of Middle Tennessee, upon the subject of the demand made by him on the Union Bank, for the bonus, dividends and interest, claimed by the State to be due from said Bank, together with a letter from the President of the Union Bank." Which were read and ordered to be transmitted to the House of Representatives.

The Senate thereupon adjourned till this evening, to half past 2 o'clock.

Half past 2 o'clock, Senate met according to adjournment.

On motion of Mr. Ledbetter, the Senate again took up the bill to provide for electing a comptroller of the treasury, and to prescribe his duties.

Mr. Totten offered the following amendment in lieu of the original bill, from the words "a bill," to wit:

"A bill to establish a treasury department, and to provide for auditing the public accounts.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That a department is hereby established, to be known by the name of the treasury department, and that four treasurers shall be appointed by joint vote of both houses of the general assembly, for the period of two years, and till their successors are elected and qualified. One of which treasurers shall keep his office at Jackson, for the Western division of the State; one at Nashville, for the middle division; one at Knoxville, for the Eastern division; and one at Sparta for the mountain division.

Sec. 2. Be it enacted, That before either of said treasurers shall enter upon the duties of his office, he shall give a bond to the Governor and his successors in office, for the use of the State, in the sum of fifty thousand dollars, with not less than four sufficient securities to be approved of by the speakers of both branches of the legislature. Conditioned that he will faith-

fully execute the duties of his office, which bond shall be deposited in the office of the secretary of State, and recorded in a book to be kept for that purpose. And the said treasurers shall also take, before some one of the judges of this State, the following oath or affirmation, viz: "I do solemnly swear, or affirm, that I will well and truly execute the trust reposed in me, without favor or partiality, according to law, to the best of my knowledge or understanding, so help me God."

Sec. 3. Be it enacted, That the bonds hereby directed to be given, shall extend to the faithful execution of the office of treasurer, by the persons elected, until a new appointment is made and until a new bond is given under such appointment.

Sec. 4. Be it enacted, That after such new appointments shall have been made, and such new bonds given, upon the filing in the office of the secretary of State, of a certificate from the committee who shall have examined and settled the accounts of the treasurer of the two preceding years, expressing that such accounts are regularly stated and balanced, and that the balance, if any there be, in money, securities or other effects, is in the treasury or deposited as directed by law: the bonds given by said treasurers or either of them, shall be discharged and delivered up to be cancelled.

Sec. 5. Be it enacted, That so long as the Union Bank of the State of Tennessee, shall continue to redeem its notes in gold and silver on presentation, it shall be the duty of the collecting officers of this State, to deposit the moneys by them collected in said bank, or one of its branches, to the credit of the treasurer of the division to which said officer belongs, and take from said bank duplicate certificates of deposit, which shall be received as money from said officer, by the treasurer of the division to which said officer is a collector, and said officer shall transmit the other by mail to the secretary of State.

Sec. 6. Be it enacted, That no money shall be drawn from the bank except upon the warrant of the treasurer, which shall express on its face the consideration for which it is drawn, and the law which authorises the same and shall be recorded in a book kept for that purpose by the treasurer and numbered. And any money paid by said bank otherwise than directed by this act, shall not be a lawful discharge and payment by said bank.

Sec. 7. Be it enacted, That the treasurers of the Eastern and Western divisions of the State, shall exhibit to the treasurer of the middle division an exact statement of the balance in the treasury to the credit of the State, in their respective divisions, with a summary of their receipts and payments, which statement shall be made on the 25th of September preceding each regular session of the legislature. And the treasurer of the middle division shall exhibit to the legislature at each regular session, an exact statement of the balances in each branch of the treasury to the credit of the State, with a summary of the receipts and payments of the department during the preceding two years, which statement shall be made by the treasurer of the middle division within ten days after the session begins.

Sec. 8. Be it enacted, That the said bank shall transmit to the secretary of State, monthly statements of the moneys which shall be received and

paid by them on account of the treasury, which statements shall be recorded by the secretary in a book to be kept by him for that purpose.

Sec. 9. Be it enacted, That each of said treasurers shall keep a book in which they shall reeord the certificates of deposit, which they may receive from the collecting officers.

Sec. 10. Be it enacted, That the accounts of the treasury shall be closed annually on the last day of ; and shall be examined in the month of in each and every year, by a committee of persons to be appointed by the Governor for each division.

Sec. 11. Be it enacted, That said committee shall examine the accounts and vouchers, relating to all moneys received into and paid out of the treasury during the year ending on preceding such examination, and shall certify and report to the Governor, the amount of moneys received into the treasury during such year: the amount of moneys paid out of it during the same period, by virtue of warrants drawn by the treasurer. The amount of money received by the treasurer who shall be in office at the time of such examination, when he enters on the duties of his office and the balance in the treasury on the day of preceding such examination, which report the Governor shall cause to be filed in the office of the secretary of State and recorded in a book to be kept for that purpose, and shall communicate to the General Assembly within days after the beginning of each regular session, accompanied by such suggestions as in his opinion the public good may require.

Sec. 12. Be it enacted, That if at any time said Union Bank should cease to redeem her notes in gold and silver on demand, or the public moneys should in the opinion of the Governor, become unsafe, he shall have power to order the treasurers to remove said moneys to some other bank free from like exceptions, and order the collecting officers to pay the public moneys therein, until otherwise ordered by the Governor or General Assembly. And the business of the treasury shall be conducted in the same manner in the said bank as is prescribed in relation to the management thereof in the Union Bank.

Sec. 13. Be it enacted, That it shall be the duty of the treasurers of the Eastern and Western divisions to transmit, when required thereto by the treasurer of the middle division, such sum or sums of money not appropriated as may be in the treasury of the respective divisions, and shall deposit the same in said bank to the credit of the treasurer of the middle division, and take a certificate of deposit therefor, which shall be received in payment.

Sec. 14. Be it enacted, That it shall be the duty of the treasurers aforesaid, in their respective divisions, to superintend the fiscal concerns of the State, and to manage the same in the manner required by law; and the treasurer of the middle division is hereby required to exhibit to the legislature at its bienniel session, a complete statement of the funds of the State, of its revenues and of the public expenditures during the two preceding years; and also a detailed estimate of the expenditures to be defrayed from the treasury for the ensuing two years, specifying therein each object of expenditure, and distinguishing therein between such as are provided for by permanent or temporary appropriations, and such as require to be provided for by law, and

showing the means from which such expenditures are to be defrayed; to suggest plans for the improvement and management of the public moneys. Said treasurers are required to keep and state all accounts in their respective divisions in which the State is interested, to direct and superintend the collection of all moneys due to the State, to examine and liquidate the claims of all persons against the State, in cases where provisions for the payment thereof has been made by law; and where no such provision or an insufficient provision shall have been made, to examine the same and report the facts with his opinion thereon, to the legislature; to require all disbursing officers in their respective divisions, who shall have received any moneys belonging to the State, and who shall not have accounted therefor, to settle their accounts.

Sec. 15. Be it enacted, That said treasurers, in their respective divisions shall, from time to time, require all persons receiving moneys or securities or having the disposition or management of any property of the State, of which an account is kept in his office, to render statements thereof to him, and all such persons shall render such statements at such time and in such form as he shall require.

Sec. 16. Be it enacted, That said treasurers may require any person, presenting to either of them an account for settlement, to be sworn before him touching the said account, and when so sworn, to answer orally as to any facts relating to the justness of said account.

Sec. 17. Be it enacted, That said treasurers or either of them, shall have power to draw in favour of the Union Bank, or such other bank as may be used by the treasurer on all banks, corporations, and joint stock companies, in which the State may own stock, for the dividends on such stock as the same may become due.

Sec. 18. Be it enacted, That the treasurers in their respective divisions, shall annually transmit by mail or otherwise, before the first day of to the several county court clerks, two printed forms for each person appointed to take lists of taxable property and polls, in which form shall be set down in separate columns, every species of property, privilege or person from which a State tax is directed to be levied, leaving the quantity and sums blank; which the said clerks shall deliver on application to the persons appointed, and the persons so appointed to take said lists, shall make the same by filling the blanks in said forms, in such manner as said treasurers or either of them shall prescribe, in printed directions which he shall annex to the same, one of which lists the person making the same, shall deposit in the office of the clerk of [the] county court, and transmit the other by mail to the treasurer of his division, who shall enter it at length in a book, by him to be kept for that purpose.

Sec. 19. Be it enacted, That it shall be lawful for the treasurer of the middle division, in the name and in behalf of the State, from time to time as the legal demands of the treasury may make it necessary, to make such temporary loans at a rate of interest not exceeding per cent per annum, from corporations or individuals within this State, as may be necessary to discharge the same; and he shall draw his warrant in favor of the depositе bank, and take duplicate certificates thereof, which he shall record and transmit one to the secretary of State.

Sec. 20. Be it enacted, That such temporary loans shall be paid as soon as there shall be sufficient money for that purpose in the treasury—and said treasurer shall report his proceedings in relation to such temporary loans, to the next succeeding session of the legislature.

Sec. 21. Be it enacted, That said treasurers or either of them, may from time to time, cause to be published at the expense of the State, in one or more newspapers printed therein, such laws or extracts therefrom, relating to the payment of moneys due to the State, and the collection and disbursements of the public revenue, or the duties to be performed by the public officers thereof, as he may deem necessary.

Sec. 22. Be it enacted, That in case of death, resignation or removal of any of the treasurers of this State, the Governor shall have power to make a temporary appointment, which shall last till the end of the next regular session of the General Assembly. And the said persons appointed as aforesaid, shall give the same bonds and take the same oaths, and perform the same duties which were required by law of his predecessor.

Sec. 23. Be it enacted, That in case of delinquency of any of the collecting officers of this State, in paying over the money by them collected, or which they should have collected at the time prescribed by law, it shall be the duty of the treasurer of the division in which such delinquency happens, to take judgment by motion against such delinquent officer and his securities, at the first circuit court of the county in which said treasurer is situated, after said delinquency happens; which judgment shall be for the full amount for which said officer is chargeable, and said treasurer shall not be required to produce any other proof, than said officer's bond and statement of the amount for which said officer is chargeable, certified by the treasurer, which judgment shall be final and conclusive in relation thereto.

Sec. 24. Be it enacted, That it shall be the duty of the treasurer of middle Tennessee, by contract, to agree upon the rate of interest which shall be paid by the Union Bank, or such other bank as may be used by the State for the use of such moneys belonging to the State, as may be inactive as is required by the 18th section of the act chartering said bank.

Sec. 25. Be it enacted, That the collecting officers of the mountain division, shall pay the moneys by them collected to the treasurer of that division, and take duplicate receipts therefor, one of which said officers shall transmit to the secretary of State, and said treasurer shall forthwith transmit the money to the Union Bank, and take duplicate receipts of deposite, one of which he shall file with the treasurer of the middle division, who shall record the same, and said treasurer of the mountain division shall make the same returns to the treasurer of the middle division, that the treasurers of the Eastern and Western divisions are required to do, and shall in all respects perform the same duties that they are required to do.

And the sense of the Senate being had thereon, it was determined in the negative—ayes 12, noes 13.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Totten, the affirmative voters are,

Mr. Armstrong, Graves, Henderson, Hynds, Love, McGaughey, Powell, Reagan, Robertson, Rogers, Totten and Vernon—12.

The negative voters are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Gray, Johnson, Ledbetter, Moore, Morford, Motley and Trousdale—13.

The question then recurred upon the passage of the bill, and the question, Shall the bill pass upon its third reading? being had thereon, it was determined in the affirmative—ayes 15, noes 10.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Moore, Morford, Motley and Trousdale—15.

The negative voters are,

Mr. Graves, Hynds, Love, McGaughey, Powell, Reagan, Robertson, Rogers, Totten and Vernon—10.

Mr. Gordon moved the reconsideration of the vote on the passage of a bill to fix the salaries of chancellors and circuit court judges of the State.

Which motion prevailed.

On motion of Mr. Cahal, the Senate [took] up the bill just reconsidered, and moved to reconsider the vote of Saturday, on filling the blank in the first section of the bill with fifteen hundred dollars.

Which motion was agreed to.

Mr. Gordon thereupon moved to fill the said blank with fifteen hundred dollars. Which motion prevailed.

The question then recurred upon the passage of the bill, and the question Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 18, noes 7.

The ayes and noes being demanded by the constitution, the affirmative voters are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Robertson and Trousdale—18.

The negative voters are,

Mr. Armstrong, McGaughey, Powell, Reagan, Rogers, Totten and Vernon—7.

Mr. Johnson submitted the following:

Resolved, That the Public Printer be furnished by the clerk of the Senate with the original journal of the Senate, for the purpose of publication, and that the public Printer be required to return the journal to the secretary's office so soon as he finishes the publication thereof, that they may be preserved.

A bill to incorporate the Gallatin female academy, was taken up read a third time and passed.

Mr. Robertson returned a bill withdrawn by him for amendment, to incorporate the Oakland academy in Fayette county, with an amendment proposing to strike out the words "twenty-five years," in the 7th and 8th lines of the first section of said bill, and insert in lieu thereof the words "perpetual succession."

Said amendment was accepted by the Senate, the bill read as amended a second time and passed.

Mr. McGaughey submitted the following:

Resolved, That the printer to the Senate be required to print copies of an act, entitled an act to provide for the election of Governor, Representatives in Congress, members of the General Assembly, Sheriffs, Trustees, Registers, clerks of the circuit court and county court, and for other purposes, passed January the 9th, 1836, for the purpose of distributing the same amongst the different counties in the State; and that the secretary of State certify the same to be a true copy of said act.

Mr. Trousdale submitted the following:

Resolved, That a select committee of three be appointed to examine into and report the various subjects upon which the constitution makes it the duty of this Legislature to act, with instruction to report as soon as practicable.

A bill from the House of Representatives setting forth the property, real and personal, and the privileges and occupations liable to taxation in this State, was taken up, read a first time and passed.

On motion of Mr. Totten, ordered that twenty five copies of said bill be printed for the use of the Senate.

Then the Senate adjourned.

TUESDAY, JANUARY 19th, 1836.

Mr. Ledbetter, from the committee on education and common schools, to whom was referred a bill from the House of Representatives, to incorporate the West Tennessee male and female academies, reported that the committee have had the same under consideration, think the provisions thereof reasonable, and had instructed him to recommend the passage of the bill.

On motion of Mr. Cahal, said report was ordered to the table.

Mr. Ledbetter, from the committee on enrollments, reported as correctly enrolled an act to provide for the election of a Governor, Representatives in Congress, members of the General Assembly, Sheriffs, Trustees, Registers, circuit court and county court clerks, and for other purposes.

The speaker signed said enrolled act, and ordered that it be transmitted to the House of Representatives.

Mr. Reagan introduced a bill to incorporate the Hiwassee rail road company, which was read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. speaker: The speaker of the House of Representatives has signed an enrolled act, to incorporate the town of Lagrange in the county of Fayette, and a resolution appointing a commissioner for the county of Lawrence, and for the county of Wayne. And then he withdrew.

Whereupon, the speaker of the Senate signed said enrolled act and resolution, and ordered that they be deposited in the office of the Secretary of State.

Mr. McGaughey submitted the following:

Resolved, By the General Assembly of the State of Tennessee, that the Senate meet the House of Representatives in their hall, on Friday the 22nd, for the purpose of electing three chancellors, eleven circuit court judges, and one attorney general for each judicial circuit.

On motion of Mr. McGaughey, the Senate took up the resolution heretofore submitted by him directing the printer of the Senate to print number of copies of the act providing for the election of a Governor, Representatives in Congress, members of the General Assembly, Sheriffs, Trustees, Registers, circuit and county court clerks, and for other purposes, to be distributed amongst the different counties in this State.

Mr. Trousdale moved to fill the blank with five hundred, which motion prevailed.

The resolution was thereupon adopted.

The speaker presented to the Senate the following communication from John M. Bass, President of the Union Bank.

UNION BANK,
Nashville, January 19th, 1836.

To the Hon. the Speaker of the Senate:

SIR:—I have the honor herewith to inclose the reply of the President and Directors of the Union Bank, to the demand made on yesterday by the Treasurer of middle Tennessee, for the bonus, State dividends, &c. in pursuance of a resolution of the General Assembly.

With very great respect,
I am your obedient servant,
JOHN M. BASS, President.

ANSWER OF THE UNION BANK.

To the General Assembly of the State of Tennessee:

The President of the Union Bank of the State of Tennessee has received from Thomas Crutcher, Treasurer, &c., a communication, in which, in pursuance of a resolution of your honorable body, he has demanded from this Bank, the Dividends which have arisen on the stock owned by the State in said Bank—also the Bonus claimed by the State under the 11th section of the Bank charter, and the interest which may have accrued on the deposites of the money in said bank, to the credit of the State treasurers.

Mr. Crutcher's communication having been submitted to the Board of Directors, the undersigned is instructed by them to say, that the Bank respectfully declines a compliance with the demand thus made.

The Board of Directors deem it respectful to the Legislature, as well as due to themselves, to state the grounds upon which this refusal is made—and also the course of the Bank in relation to the unpleasant controversy which has arisen between it and the State.

This controversy, it is well known, had its origin during the session of the Legislature of 1833. The Directory of the Bank, then in office, were called

upon by a resolution adopted in September 1833, to report to the General Assembly, if they conceived they were authorised, by the 7th section of the charter, to retain in their possession the profits arising on the stock owned by the State, until the State Bonds shall have been paid, and what construction they had given the said 7th section.

On the 5th October ensuing, the President of the Bank, by order of the Board of Directors, made a communication to the Legislature, in answer to their resolution. This communication sets forth the construction given by the former Directory of the Bank to its charter, and to this the Legislature is referred.

From that communication, it will be seen that the construction contended for then, is wholly incompatible with the demand now made by the Legislature.

The General Assembly of 1833, gave a different construction to the charter from the one contained in the communication of the President of the Bank above referred to, and they passed an act, instructing the Treasurer to make demand of the dividends of the State upon its stock and the bonus agreed to be paid by the Bank for the privileges conferred by the charter, and in the event the demand was not complied with, to cause suit to be brought for its recovery. So far as that act had for its object the settlement of the present controversy, by judicial determination, the Bank has at all times been ready and willing to comply.

After the present Directory came into power, and after the present General Assembly had convened, the Board of Directors, feeling every wish and disposition to settle this controversy if possible, appointed a committee of their own body, to confer with committees of the two Houses, to whom this subject had been referred. The committee on the part of the Bank, had frequent interviews and conversations with the different members of the committees of the Legislature, in which it was proposed that a conference should be had, with a view that, in the event they could not come to an agreement as to the construction of the charter, that some mode should be adopted for a speedy settlement of the question:—the chairman of the committee on Banks of the House of Representatives, therefore addressed a note to the President and Directors of the Bank proposing to meet them, and have a conference on the subject of the construction of the charter.

The proposition of the committee on Banks was accepted and a meeting soon after took place. The Directory of the Bank, previous to this time, submitted the difficulties growing out of the construction of the charter, to counsel, and obtained their opinions, resulting in the same conclusions as those to which their predecessors in office had come.

Among the propositions maintained in these opinions are the following:

That the act incorporating the Bank, directs the Governor, on the part of the State, to execute 500 bonds of 1000 dollars each, payable in 15, 20, 25 and 30 years, to the Union Bank or its assigns—the interest to be paid half yearly from the date. That those bonds were executed on 1st January, 1833, and were received by the Bank in payment of 5000 shares, subscribed for on the part of the State.

That as the interest upon the State bonds was due from the State and

payable to the Bank half yearly, it is roasonable to suppose that the Legislature, in directing the bonds to be thus executed, would make an appropriation to pay the interest as well as the principal.

That the object of having the bonds in sums of 1000 dollars each, payable in New York or Philadelphia to the Union Bank or its assigns, was manifestly to give them a saleable and negotiable quality in the Eastern markets. That to make the bonds thus saleable, as intended, it was indispensable that some provision should be made for the payment of the interest as it fell due—which would be every six months—and for the redemption of the principal also.—That if this appropriation for the payment of the State bonds be not made in the 7th section of the Bank charter, it is not made at all: And then the consequence would follow, that the Legislature which incorporated the Bank, would exhibit the strange spectacle of directing half a million of bonds to be executed, bearing interest from the date, and the interest payable every six months, and yet provide no means whatever to pay either interest or principal, and the Union Bank would exhibit the still stranger spectacle of receiving such bonds in payment of her stock, and would expect that these bonds would sell in foreign markets at par or at a premium.

That it was not an oversight in the Legislature of 1833, that no provision was made for the payment of the State bonds; for they had their attention drawn directly to the question (as appears from the Journal,) upon a reconsideration of the 7th section of the Bank charter, and still left that section as it now appears; and as they knew the necessity of the appropriation, that it was no oversight that it was omitted—they must have intended to make it—and the State intended by the 7th section of the charter, that the profits of the stock and the bonus and the interest upon the deposites should be pledged for the redemption of the bonds. That with this pledge given and fund provided, and placed in the hands of the Bank, the bonds were executed; and the Bank having received these bonds from the State in payment of her stock, the Legislature cannot withdraw the funds pledged at the same time and appropriated for their payment.

That if the Legislature have the right to direct the Treasurer to receive the money, and subscribe stock with it, in the Union Bank, they can direct the Treasurer to apply it to any other object. That the appropriation above referred to, is a part of the Bank charter itself, and is contained in the 7th section thereof, and is, moreover, a part of the contract which was consummated between the Bank and the State, by the execution of the bonds on the part of the State, and the reception of them by the Bank in payment of her stock, and that it was the duty of the Bank to retain the dividends upon the stock and the bonus and interest referred to in the 7th section of the charter, for the payment of the bonds executed by the State to the Bank.

Upon a deliberate consideration of these opinions, and after full consultation among themselves, the Directory of the Bank believed that it was not only their right, but their duty to retain the funds pledged by the State for the redemption of its paper; and whatever construction the Legislature may now fix upon the 7th section, the board have satisfactory information that the construction placed by the Bank upon the charter, is the one under which the stock was subscribed by the individual stockholders.

The Directory of the Bank entertaining the belief they have expressed, when they had their conference with the committee of the Legislature, submitted the above opinions as the grounds upon which the Bank relied in support of its construction of the charter. After much conversation, the committee on the part of the Bank expressed its willingness to refer the subject to the Judicial tribunals of the State; and as to the mode of reference, they were perfectly willing to any course the Legislature might prescribe.

The Directory of the Bank understood this course to meet the approbation of the committee of the Legislature. This conference took place early in the session.

Shortly after this, certain resolutions were introduced into the House of Representatives, calling upon the bank for information as to the amount of funds then in her hands, which had accrued as profits upon the State stock—the amount of the bonus—and also asking what disposition the board of Directors felt themselves authorised to make of these funds under the 7th section of the charter.

To this a prompt reply was made, giving all the information asked for, and what the Directors believed and had been advised, were the rights of the bank under the charter.

As the board were aware that their construction of the charter might not be assented to by the Legislature, and in that event would have to be settled by some common arbiter, they, in their reply, referred to the mode of settlement which had been spoken of in the conference with the committees, and expressly stated, that the bank would not decline any equitable mode that might be adopted by the General Assembly.

In a few days after this, another conference took place between the committees on the part of the bank and of the House of Representatives, at which it was unanimously determined to refer the case to the Judges of the Supreme Court, and upon a suggestion of the chairman of the committee on banks, a letter was drawn up and addressed to each of the Judges of the Supreme Court, requesting them to meet in Nashville on the 14th of January, to try the cause.

All of which was reported to the board of Directors, and unanimously approved of by them.

A bill was accordingly introduced and passed in the House of Representatives to effect this object, but was rejected in the Senate. If the bill was rejected under the belief that the mode of submitting the case was not in conformity with the constitution; there certainly could be no constitutional difficulty, if a case agreed, were made in one of the inferior courts and adjourned to the supreme court for decision. Under this belief, immediately after the rejection of the bill, the bank authorised its attorney to make up a case agreed in the circuit court of Davidson county, then in session, and to adjourn the same forthwith to the supreme court.

The proposition was communicated to different members of both branches of the Legislature, with a view that it should be acted on; and the facts upon which the adjudication was to be had, were drawn up and deposited with the Senator from Davidson, to be submitted to the attorney who might institute the suit on behalf of the State.

It will be apparent from this statement of facts, that the bank is now, and always has been, willing to have the controversy with the State speedily settled. It has shewn no fastidiousness as to the mode—leaving that wholly to the wisdom of the Legislature. If any delay has occurred, or is likely to occur, it cannot be attributed to the bank.

The bank is now and always has held itself in readiness to pay over the money claimed by the State, if it shall be determined they are entitled to it. But (entertaining the opinion they do) until such determination is made, they would be violating their duty to the other stockholders of the bank, to part with the control of this fund, which they believe is already placed in their hands and appropriated to the payment of the State bonds.

The construction placed upon the charter by the present board of Directors, is the same that has been placed upon it by every board since the organization of the bank, and by every member of every board—at least, the minutes of the proceedings of the Directory up to this time, show no dissent.

The board of Directors have seen with regret, that a resolution has been adopted by one branch of the General Assembly, declaring that the charter of the bank has been violated, and having for its object to repeal the charter by proceeding by scire facias in the supreme court. The ground of this proceeding is the refusal of the bank to pay over the bonus and dividends and interest upon the Treasurer's Deposites, as required by the Treasurer, under a resolution of your honorable body.

The President of the bank will briefly call the attention of the Legislature to their own act, passed the 19th of November, 1833, which directs that the bonus due the State from the Union Bank, according to the 11th section of the charter, and the interest upon the deposites shall be paid to the Treasurer, and applied to the payment of the interest on the State bonds.

The bonus which has accrued to the State as above provided, amounts to the sum of $13,894 28. The interest upon the State bonds up to the 1st of January, 1836, amounts to $75,000. The State Treasurer has deposited no funds with the bank, upon which any interest has accrued.

If there had been any doubt under the 7th section of the bank charter, as to whether the bonus and interest upon the State deposites, were appropriated for the payment of the State bonds, there is none under the act of 1833.—And the State bonds are in the hands of the bank, and it is willing, if so required, to credit the bonds in payment of the interest, so that, while the present Legislature is demanding the bonus and interest upon the State deposites, and insisting that a refusal on the part of the bank, amounts to a forfeiture of the charter, the act of 1833 expressly appropriates the same bonus to the payment of the interest on the State bonds.

But waving this and other considerations that might be suggested. As to this proceeding by scire facias, the undersigned would remark, that the State has agreed to become a partner with other stockholders, individuals, in a monied institution. The State being one of the partners, fixes one construction upon the charter, and the other partners insist upon another, aud because the other partners, who have equal rights with the State, in the partnership, will not agree to the State's construction, but insist upon their own, therefore it is contended the charter is forfeited.

It is respectfully suggested to your honorable body, that, although the bank be wrong in its construction of the charter, that cannot work a forfeiture.

The board of directors do not doubt the sincerity of those members of the Legislature who have given the charter a different construction from them.—But while they freely admit this, they hope they may claim equal credit for being sincere in the opinions they have expressed. The directors, like your honorable body, have taken a solemn oath to discharge their duty; and under this solemn sanction, with all the lights that can be afforded them, they have adopted their course and given their construction to the charter. And they would consider it a dereliction of duty, on their part, to depart from it; unless a different construction be fixed by those who are authorised to fix it, viz:—the judicial tribunals of the country. To those tribunals, organised and appointed by yourselves, if the matter cannot be otherwise adjusted, they appeal.

But while they do this, they submit, whether the proceeding by scire facias can have any other effect, than to impair the credit of the bank. This it may possibly do, but it cannot have the effect, as the board are advised and confidently believe, either to annul the charter, to recover the money that the State is in pursuit of, or even to fix the construction of the charter.

In order that no effort which the bank can make, to bring this matter to an amicable and speedy adjustment, be left untried; the President of the bank, by order of the board, submits the following propositions of compromise to the consideration of the Legislature:

First—To make a case agreed and refer the matter to the judicial tribunals of the country, as proposed in the act of the 19th of November, 1833, or in any other mode the Legislature may prescribe.

Or,

Second—The bank will, as proposed in its first conference with the committee of the Legislature, pay the bonus and such interest as may accrue upon the Treasurer's deposites, under the charter. Provided, the profits upon the stock owned by the State, shall remain with the bank, "until after the bonds of the State shall have been paid."

Or,

Third—The bank will surrender the bonds of the State at par, provided the State will surrender to the bank the privilege of disposing of, at such times, and in such manner as to the bank may seem best, the stock taken and authorised to be taken by the State in the bank, and will pay the same bonus as upon the other stock, and pay up to the State the bonus and profits that have accrued; provided the stockholders have the power of electing the whole fifteen directors. And the bank, in relation to its connection with the State, be placed upon the same footing with the Planter's bank of Tennessee.

In relation to this last proposition, as it will be a material alteration of the charter, should it meet the views of the Legislature to accede to it, the directors pledge themselves to obtain the assent of the private stockholders within the shortest possible time.

All which is respectfully submitted.

JOHN M. BASS, President.

Union Bank, Nashville,
January 18, 1836.

Mr. Trousdale moved to lay said communication on the table.

Mr. Cahal moved to amend said motion by adding thereto, that one hundred copies thereof be printed for the use of the Senate.

Which motion prevailed.

The motion of Mr. Trousdale as amended was then agreed to by the Senate.

Mr. Speaker Webster (then on the floor) introduced a bill to change the place of holding the courts in the county of Coffee, and for other purposes.

Which was read a first time and passed.

The Senate resolved themselves into a committee of the whole, Mr. McGaughey in the chair, upon a bill to provide for the compensation of the members of the next General Assembly, in pursuance of the 23d section of the 2d article of the constitution, and other documents to them referred—and after some time spent in the consideration thereof, the committee rose, reported progress, and asked and obtained leave to sit again.

Mr. Johnson submitted the following:

Resolved, That a joint select committee of two members be appointed from each House, whose duty it shall be to employ counsel, learned in the law, in behalf of the State, to institute a suit in behalf of the State, and to prosecute the same in the name of the State against the Union Bank of Tennessee; to recover the dividends upon the stock, the bonus and the interest upon deposites, in pursuance of the charter incorporating said bank; and that said counsel, so employed, shall have power to make any agreement, or any agreed case that to them may seem proper and consistent with the interest of the State, that the same may be as speedily determined before the supreme court as is practicable. And also, be it

Resolved, That said committee employ counsel to prosecute the scire facias against the Union Bank, in pursuance of the resolution adopted by the Senate on the day of January 1836; and that said committee report their proceedings to this General Assembly at as early a day as practicable.

Mr. Johnson also submitted the following:

Resolved, That a committee be appointed consisting of three, for the purpose of taking into consideration the communication from the Union bank of Tennessee, and that they report thereon.

Mr. Moore submitted the following:

Resolved, That the judiciary committee be instructed to report a bill prescribing the degrees within which any of the judges being connected with a party to a suit shall render him incompetent to preside in the trial of his cause, and also defining the mode and prescribing the time within which such disqualification shall be certified to the Governor, and to make such other provisions as may be required by the 11th section of the 6th article of the constitution.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. Speaker: The House of Representatives did this day receive a communication from the Directors of the Union Bank on the part of the State; which was read at the clerk's table, and ordered to be transmitted to the Senate.

The Senate took up said communication on motion of Mr. Ledbetter, and after the reading thereof, it was on his motion ordered to the table.

On motion of Mr. Gordon, the Senate again resolved themselves into a committee of the whole, Mr. McGaughey in the chair, upon the unfinished business referred to the committee, and after some time spent in the consideration and discussion thereof, the committee rose, and the speaker resumed his seat.

Mr. McGaughey from said committee, reported that the committee of the whole have had under consideration, a bill fixing the compensation of the members of the next General Assembly, and had instructed him to report an amendment in lieu of the whole from the words "a bill," and with that amendment to recommend its passage.

Mr. Gray moved that the Senate non-concur with so much of the report as recommends the adoption of the 2d section of the bill.

Which motion prevailed.

Mr. Graves moved to amend said report by striking out the words "like sum," in the 9th line of the 1st section of the report, and insert in lieu thereof "four dollars." Which was agreed to.

Mr. Totten moved further to amend said report by striking out "five dollars" as the pay of the speakers, and insert in lieu thereof "four dollars."

And the sense of the Senate being had thereon, it was determined in the negative—ayes 8, noes 13.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Love, the affirmative voters are,

Mr. Love, McGaughey, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—8.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Henderson, Hynds, Johnson, Ledbetter, Moore and Robertson—13.

Mr. Childress moved further to amend the report by striking out "three dollars" as the pay of the door-keeper, and insert "four dollars;" which was agreed to.

The report as amended was read and adopted.

Mr. Reagan moved to refer said bill to a select committee; which motion failed.

The question then recurred upon the passage of the bill as amended; and the question, shall the bill pass on its third reading? being had thereon, it was determined in the affirmative—ayes 16, noes 6.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Moore, Robertson, Trousdale and Vernon—16.

The negative voters are,

Mr. Love, McGaughey, Powell, Reagan, Rogers and Totten—6.

Mr. McGaughey from the same, reported that the committee have had under consideration, a bill for the benefit of John Austin and others, and had

instructed him to report the provisions of the bill reasonable, and to recommend its passage.

Said report was concurred in, the bill read a 2d time and passed.

Mr. McGaughey from the same, further reported that the committee have had under consideration, a bill making an appropriation for a survey of so much of the central rail road as passes through this State, together with divers amendments thereto, and had instructed him to report the same unreasonable, and to recommend its rejection.

Said report was concurred in, and the bills rejected.

Mr. McGaughey from the same, reported the following resolution, to wit:

Resolved, That the committee on claims be instructed to draw a bill making an appropriation of the sum of nine hundred and ninety dollars, and interest, for Spencer Paine, for his labor done in the improvement of forked deer river.

Said report was concurred in and the resolution adopted.

Mr. Gordon asked and obtained leave to withdraw for amendment, a bill to authorise the sale of a part of the public squares in towns in certain cases.

Mr. Craighead introduced a bill supplemental to an act entitled an act establishing a supreme court in pursuance of the 2d section article 6th of the constitution of the State of Tennessee, passed the present session of the General Assembly.

Mr. Totten moved an additional section to the bill, which was accepted, the bill read as amended a first time, and passed.

Mr. McGaughey asked and obtained leave to withdraw said bill for amendment.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the several amendments proposed by the Senate to a bill to provide for the electing a comptroller of the Treasury, and to prescribe his duties; and non-concur with all of said amendments. And then he withdrew.

On motion of Mr. Childress, the Senate took up said message. The Senate adhere to their first amendment, and recede from their second and third amendments. The fourth amendment is in these words:

"And at Sparta on the first day of July, and remain there until the first of August to settle with clerks, collectors and other officers for the mountain district; and also to audit claims that may be presented for adjudication by the people residing in said district.

Mr. Ledbetter moved that the Senate recede from said amendment. And the sense of the Senate being had thereon, it was determined in the negative —ayes 11, noes 12.

The ayes and noes being demanded by Mr. Reagan, seconded by Mr. Totten, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Johnson, Ledbetter, Moore, Morford and Trousdale—11.

The negative voters are,

Mr. Speaker Webster, Graves, Henderson, Hynds, Love, McGaughey, Powell, Reagan, Robertson, Rogers, Totten and Vernon—12.

Mr. Graves moved a reconsideration of the vote just taken on Mr. Ledbetter's motion to recede.

And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 13, noes 11.

The ayes and noes being demanded by Mr. Reagan, seconded by Mr. Love, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Morford and Trousdale—13.

The negative voters are,

Mr. Armstrong, Hynds, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—11.

The question then recurred again on receding from the said fourth amendment.

And the sense of the Senate being thereon had, it was determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Armstrong, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Moore, Morford and Trousdale—14.

The negative voters are,

Mr. Armstrong, Hynds, Love, McGaughey, Moore, Powell, Reagan, Robertson, Rogers, Totten and Vernon—10.

The fifth amendment of the Senate non-concurred in by the House of Representatives, was the striking out of the 25th section of the bill.

Mr. Ledbetter moved that the Senate recede from said amendment. And the sense of the Senate being had thereon, it was determined in the negative —ayes 10, noes 14.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Rogers, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Ledbetter, Morford and Trousdale—10.

The negative voters are,

Mr. speaker Webster, Armstrong, Graves, Gray, Hynds, Love, McGaughey, Moore, Powell, Reagan, Robertson, Rogers, Totten and Vernon—14.

Mr. McGaughey moved a reconsideration of the vote receding from the second amendment of the Senate to said bill.

Which motion prevailed.

The Senate then adjourned.

WEDNESDAY, JANUARY 20th, 1836.

Mr. Johnson from the committee on claims, reported a bill making an appropriation to Spencer Payne.

Which was read a first time and passed.

On motion of Mr. Gray, the Senate took up the unfinished business of yesterday—it being a motion of Mr. McGaughey to adhere to the first

amendment of the Senate to the 24th section of a bill to provide for the electing a comptroller of the treasury, and to prescribe his duties. And the question being had on said motion, said amendment was adhered to.

Mr. McGaughey moved that a committee of conference be appointed on the part of the Senate to confer with a like committee on the part of the House of Representatives upon the amendments of the Senate to said bill, adhered to by the Senate.

Which motion prevailed.

The chair appointed Mr. McGaughey, Henderson and Cahal to be of said committee on the part of the Senate.

Ordered, That the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

Mr. Totten introduced a bill to abolish the present surveyor's office south and west of the congressional reservation line, and to establish county offices in lieu thereof.

Which was read a first time and passed.

Mr. Vernon introduced a bill (with petition) to extend the charter of George Gordon's turnpike road, passed 1824.

On motion of Mr. Powell, said bill and petition was referred to the committee on internal improvement.

Mr. Henderson submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That William B. Jones, surveyor general of the 13th surveyor's district, be and he is hereby required to extend the line between the 11th and 13th districts from Boyd's lake to the bank of the Mississippi river; and that the treasurer of the Western District be authorised to pay unto the said Wm. B. Jones the same fee per mile allowed by the act of 1819 for similar services.

A bill changing the place of holding courts in Coffee county, and for other purposes, was taken up read a 2d time and passed.

On motion of Mr. Johnson, the Senate took up a resolution heretofore submitted by him, proposing to raise a committee of three to take into consideration and report thereon, the communication made by the President of the Union Bank to the Senate upon the subject of the claim of the State upon the said bank for the dividends, bonus and interest claimed to be due from said bank to the State.

The chair appointed Mr. Johnson, Craighead and Totten to compose said committee.

Mr. Reagan asked and obtained leave to withdraw for amendment, a bill prescribing the duties of justices of the peace on executions in certain cases.

On motion of Mr. Totten, the Senate took up the order of the day, it being a bill for the relief of the occupants south and west of the congressional resservation line and north of Winchester's line, and for other purposes.

On motion of Mr. Henderson the first section of the bill was amended by inserting in the line of said section after the words the name of Jesse Blackfan.

Mr. Vernon moved to refer said bill to a select committee; which motion failed.

Mr. Henderson offered the following amendment to the first section of the bill, to wit:

The commissioners shall also adjudicate grants calling for lands where grants from North Carolina cannot hold the same; Provided, however, that no certificate shall issue if it shall appear that a certificate has already issued upon such grant, nor unless a copy of the warrant upon which the grant issued shall be produced, or the certificate of the Secretary of State of North Carolina, showing that the grant stands fair upon the record book in his office, and that the warrant upon which it is founded is lost, destroyed or mislaid so that it cannot now be found; and provided further, that no certificate shall issue upon a grant calling for more than three thousand acres, nor where more than one grant has issued upon the same warrant or a duplicate thereof, and the said commissioners shall adjudicate all other good and valid claims that are yet unsatisfied or unadjudicated.

Mr. Brown moved to amend said amendment by adding thereto the following:

Provided, that no claim whatever shall be adjudicated unless it is bottomed upon some good and valid warrant which clearly appears is unsatisfied, and which should be satisfied out of the unappropriated lands of this State, which has been appropriated for the satisfaction of land warrants heretofore.

Said amendment was accepted.

Mr. Trousdale moved to strike out of the amendment from the words "now be found" in the 11th line, to the word "nor," in the 13th line.

Which motion prevailed.

The question then recurred upon the adoption of Mr. Henderson's amendment as amended, and agreed to.

Mr. Brown moved to strike out the first section of the bill as amended, and the sense of the Senate being had thereon, it was determined in the negative —ayes 10, noes 11.

The ayes and noes being demanded by Mr. Brown, seconded by Mr. Love, the affirmative voters are,

Mr. Brown, Graves, Love, McGaughey, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—10.

The negative voters are,

Mr. Armstrong, Cahal, Childress, Gordon, Gray, Henderson, Hynds, Ledbetter, Moore, Motley and Totten—11.

Mr. Armstrong offered an additional [amendment] to the bill; which was vccepted.

Mr. Henderson moved to amend said bill by adding three additional sections thereto; which were accepted.

Mr. Brown moved further to amend said bill by adding thereto two more sections; which were accepted.

The question then recurred upon the passage of the bill as amended: whereupon said bill passed a second time.

Gn motion of Mr. Henderson said bill was referred to a select committee of three. The chair appointed Mr. Henderson, Totten and Cahal to be of said committee.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have read a third time and passed, a bill from the Senate to establish the county of Vernon, in honor of Col. Miles Vernon, the Senator from Rhea, with sundry amendments thereto herewith transmitted, in which they ask the concurrence of the Senate. And then he withdrew.

Whereupon the several amendments were read and concurred with.

A bill from the House of Representatives appropriating the school lands in the Hiwassee District and for other purposes, was taken up, read a first time and passed.

Mr. Trousdale submitted the following:

Resolved, That the Senate will in future hold a night session, to begin at half past six o'clock in the evening, and to terminate at nine of the same day, until otherwise ordered by the Senate.

Mr. Morford introduced a bill to amend the several acts now in force in relation to gaming; which is as follows, to wit:

Whereas, the existing laws in relation to *faro* dealing have proved ineffectual in suppressing the same; and whereas it is the duty of every government to punish in an exemplary manner every infraction of its laws, and that every crime should be punished with penalty proportioned to the offence: Therefore,

Be it enacted by the General Assembly of the State of Tennessee, that all acts now in force in relation to faro dealing, be and the same are hereby repealed.

Sec. 2. Be it further enacted, That every person convicted of faro dealing shall be fined in a sum not less than one hundred nor more than five hundred dollars, at the discretion of the court; and said fine, when collected, shall be paid over to the board of common school commissioners in the county in which the conviction is had.

Sec. 3. Be it further enacted, that nothing in this act contained shall in any manner affect any indictment or prosecution that may be pending in any of the courts of this State against any person for faro dealing.

Mr. Trousdale moved the indefinite postponement of said bill. And the question being had thereon, it was determined in the affirmative—ayes 18, noes 4.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Gray, the affirmative voters are,

Mr. Armstrong, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Rogers, Trousdale and Vernon—18.

The negative voters are,

Mr. Brown, Morford, Robertson and Totten—4.

The Senate then adjourned.

THURSDAY, JANUARY 21st, 1836.

Mr. Vernon from the committee on new counties and county lines to whom was recommitted a bill to establish the county of Cannon, made the following report:

The committee on new counties and county lines to whom was referred the bill from the House of Representatives to establish a new county to be composed of parts of Rutherford, Warren and Smith counties, with instructions to report to the Senate the evidence upon which their former report recommends the passage of the bill was made, have again had the subject under consideration, and beg leave to make the following report, in addition to their former one:

That there is included in the bounds of said new county, as appears from the platts herewith submitted, one of which was made from actual survey, 405¾ square miles—79 of which is taken from the county of Rutherford, 311¼ from the county of Warren, and 15 from the county of Smith.

Your committee are further satisfied from the certificates of Solomon Beesley, the surveyor of the county of Rutherford, and the other commissioners appointed to lay off that county into districts, and who have lately surveyed the same, that after taking off the 79 square miles mentioned above, there will still remain within the limits of that county about seven hundred square miles.

From a survey and map of the county of Warren, made by Andrew Paul, a sworn surveyor, your committee are also satisfied, that before the county of Coffee was established by the present General Assembly, it contained 1218 square miles, and after deducting the part taken off by said county of Coffee, and the part included within the bounds of the new county, there will be a balance remaining in the county of Warren of upwards of eight hundred square miles.

The said certificate and platt are herewith submitted.

Your committee have had no platt or survey of Smith county before them, and cannot state the number of square miles contained within its limits; but from the best information they have been able to procure, they are satisfied that county has a surplus over and above its constitutional limits, greatly more than the fifteen square miles which the bill proposes to take from it.—This fact, your committee believe is admitted, but if it should be otherwise, there is surplus territory enough in Warren and Rutherford counties to make the new county, without taking any territory from Smith. Your committee recommend that the new county shall begin on the ridge, the dividing line between Bedford and Rutherford counties, where Trott's survey strikes the same near the house of Thomas Brace, running from thence north to the twelve mile tree near Readyville in Rutherford county, marked by Joseph Fowler, and continuing the same course to the Wilson county line. By running the line as here proposed, your committee are satisfied it will not approach the seat of justice in Rutherford county nearer than twelve miles, the twelve mile tree called for, being that distance due east from the town of Murfreesboro'. By the provisions of the bill, the line of the new county can-

not run nearer to McMinnville, the seat of justice in Warren county, than twelve miles—an examination of Rhea's map will, as your committee believe, satisfy the Senate that the line run across the southern end of Smith county, will not approach their court house as near by several miles as the constitution authorises.

The petition for the new county is signed by between eight and nine hundred petitioners; which your committee are satisfied, from the petition itself, and the certificates appended thereto, is a large majority of the qualified voters residing in the bounds of said new county.

All of which is respectfully submitted.

MILES VERNON, Chairman.

Said report was concurred in by the Senate.

On motion of Mr. Trousdale, he had leave to withdraw the same for amendment.

Mr. Ledbetter from the committee on enrollments, reported as correctly enrolled, a bill to establish the county of Meigs, in honor of Col. Return J. Meigs, a patriot and soldier of the revolution 1776.

The speaker signed said enrolled act, and ordered that it be transmitted to the House of Representatives.

Mr. McGaughey from the select committee on the county of Bradley, reported the bill without amendment.

Said bill was read a second time.

Mr. Henderson moved to amend said bill by adding thereto an additional section; which motion failed.

Mr. Trousdale moved to lay said bill on the table; which was rejected.

Mr. Hynds moved to lay the bill on the table till the first day of February next; which motion failed.

The bill was thereupon passed a second time.

Mr. Johnson introduced a bill to repeal an act passed in 1833, extending the jurisdiction over the Cherokee Indians.

Which was read a first time and passed.

Mr. Gordon returned without amendment, a bill heretofore withdrawn by him for amendment, to authorise the sale of a part of the public squares in towns, in certain cases.

The bill was thereupon read a second time. And the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 4, noes 14.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Johnson, the affirmative voters are,

Mr. Armstrong, Graves, Johnson and Rogers—4.

The negative voters are,

Mr. Brown, Childress, Craighead, Gray, Hynds, Ledbetter, McGaughey, Moore, Motley, Powell, Reagan, Totten, Trousdale and Vernon—14.

The Senate took up on motion of Mr. McGaughey, the message from the House of Representatives upon the subject of their amendment to the bill to establish circuit courts, and referred the same to the committee on the judiciary.

A bill to change the place of holding courts in Coffee county, was taken up

read a third time, passed, and ordered to be transmitted to the House of Representatives.

A bill from the House of Representatives to make an appropriation of money to clean out the obstructions in the east fork of Obed's river, was taken up, read a first time and passed.

A bill for the benefit of John Austin and others, was taken up, read a third time; and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 10, noes 9.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Craighead, Gordon, Graves, Gray, Hynds, Johnson, Motley, Rogers, Totten and Trousdale—10.

The negative voters are,

Mr. Armstrong, Brown, Childress, Ledbetter, Love, McGaughey, Powell, Reagan and Vernon—9.

A bill to incorporate the Cincinnati and Charleston rail road company, was taken up and read.

Mr. Powell moved to amend said bill by appointing commissioners to open books for receiving subscription to stock in said company at Kingsport and Paperville, in Sullivan county. Which was agreed to.

Mr. Graves moved to strike out the 19th section of the bill. And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 14, noes 7.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Graves, the affirmative voters are,

Mr. Armstrong, Childress, Gordon, Graves, Gray, Henderson, Ledbetter, Love, Moore, Motley, Robertson, Rogers, Trousdale and Vernon—14.

The negative voters are,

Mr. Brown, Cahal, Hynds, Johnson, McGaughey, Powell and Reagan—7

Mr. Graves offered a section in lieu of the one just srricken out; which was accepted.

The question then recurred upon the passage of the bill. And the question, shall the bill pass as amended a third time? it was determined in the affirmative—ayes 22, noes 00.

The constitution requiring the ayes and noes to be taken, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—22—there being no negative voters.

Mr. McGaughey from the committee of conference appointed by both branches of the Legislature upon the Senate's amendment to a bill to provide for the election of a comptroller of the treasury, and to prescribe his duties, made the following report:

The committee of conference appointed on the subject of the bill to provide for the election of a comptroller of the treasury, have had the same under consideration, and beg leave to report that they have agreed that the 24th section be amended so as to require the comptroller to attend at Knoxville on

the first day of February, and remain there till the 15th day of February.—They have also agreed to reinstate the 25th section of the bill as passed by the House of Representatives. They have also agreed to the amendment made by the Senate to the 20th section of the bill. In all of which they ask the concurrence of both branches of the General Assembly.

Signed JOHN McGAUGHEY,
Chairman on the part of the Senate.
G. S. CROCKETT,
Chairman on the part of the H. of Representatives.

Mr. Vernon moved a division of the question upon the concurring with the report; which motion was rejected.

Mr. Johnson moved a concurrence with the report. And the sense of the Senate being thereon had, it was determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Love, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbeter, Moore, Morford, Motley and Trousdale—14.

The negative voters are,

Mr. Graves, Hynds, Love, McGaughey, Powell, Reagan, Robertson, Rogers, Totten and Vernon—10.

Mr. Gordon introduced a bill to authorise the sale of part of the public square in Waynesboro'; which was read a first time and passed.

A bill to amend an act appropriating the school land in the Hiwassee district and for other purposes, was taken up, read a 2d time and passed.

Mr. Cahal introduced a bill to authorise the sale of Columbia College in Maury county, accompanied with a petition.

Which was read a first time and passed.

A bill to incorporate the Clarksville and Russellville rail road company, was taken up, read a 2d time and passed.

A resolution from the House of Representatives, supplemental to a resolution appointing commissioners to lay off the several counties of this State into districts of convenient size, within which justices of the peace and constables shall be elected, was taken up read and concurred in.

A bill to incorporate the West Tennessee male and female academy, was taken up read a third time and passed.

The Senate then adjourned.

FRIDAY, JANUARY 22nd, 1836.

Mr. Trousdale returned a bill to establish the county of Cannon, heretofore withdrawn by him for amendment, with the following proposed amendment thereto, to wit:

Strike out the words "within five miles of the town of Danville," in the 8th line of the 5th section, and insert in lieu thereof "in the centre of said county of Cannon, or within seven miles thereof."

And the sense of the Senate being had thereon, it was rejected—ayes 4, noes 18.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Henderson, the affirmative voters are,

Mr. Childress, Henderson, Rogers and Trousdale—4.

The negative voters are,

Mr. Armstrong, Brown, Craighead, Gordon, Graves, Gray, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Totten and Vernon—18.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. speaker: The House of Representatives have read a third time and passed, a bill from the Senate laying off this State into solicitorial districts, with an amendment thereto herewith transmitted, in which they ask the concurrence of the Senate.

And then he withdrew.

Mr. Gray moved a non-concurrence with said amendment, it being to strike out the 3rd section of the bill.

And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 15, noes 8.

The ayes and noes being demanded by Mr. Brown, seconded by Mr. Gray, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Graves, Gray, Henderson, Ledbetter, Love, McGaughey, Motley, Powell, Reagan, Rogers, Trousdale and Vernon—15.

The negative voters are,

Mr. Craighead, Gordon, Hynds, Johnson, Moore, Morford, Robertson and Totten—8.

Mr. Brown moved a reconsideration of the vote just taken and the sense of the Senate being had thereon, it was rejected—ayes 10, noes 14.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Henderson, the affirmative voters are,

Mr. Brown, Cahal, Craighead, Gordon, Hynds, Johnson, Moore, Morford, Robertson and Totten—10.

The negative voters are,

Mr. Armstrong, Childress, Graves, Gray, Henderson, Ledbetter, Love, McGaughey, Motley, Powell, Reagan, Rogers, Trousdale and Vernon —14.

Mr. Johnson introduced a bill to establish the dividing line between the counties of Robertson and Montgomery, which was read a first time and passed.

A resolution from the House of Representatives, by Mr. Mitchell their clerk, appointing John Staples a commissioner for Franklin county, in the room of John R. Patrick, was taken up read and concurred in.

A resolution from the House of Representatives, requiring the treasurers of the Eastern and Western divisions of the State, to pay over to the treasurer of the State at Nashville, all monies received as public revenue on or

before the 1st of March, 1836, was taken up and referred on Mr. Gray's motion to a select committee of three.

The chair appointed Mr. Gray, Reagan and Robertson said committee.

Mr. Reagan introduced a bill to compel collectors of the public revenue of the State to account for and pay over the same; and

Mr. Hynds a bill to regulate the practice in cases in chancery, both of which were severally read a first time and passed.

On motion of Mr. Henderson, the Senate took up and adopted a resolution heretofore submitted by him, requiring Wm. B. Jones, surveyor general of the 13th district, to run the line from Boyd's lake to the Mississippi river, between the 11th and 13th districts.

A bill to amend an act appropriating the school land in the Hiwassee district and for other purposes, was taken up read a third time and passed.

A bill from the House of Representatives to provide for the election of commissioners for the school lands in Lincoln county and for other purposes, was read a first time and passed.

Mr. Brown returned without amendment, a bill to explain and amend an act entitled an act to amend the registration laws of this State and for other purposes, passed in 1831, chapter 90, and also to amend an act passed in 1833, chapter 92, entitled an act to amend the registration laws of this State, and regulating the probate of deeds and other instruments; which was read a second time and passed.

On motion of Mr. Totten, the Senate took up a bill to equalize the stray laws of this State, together with Mr. Johnson's amendment offered in lieu of the whole bill from the words "a bill."

Mr. Johnson moved to strike out of the amendment in lieu of the bill, the words "ninety," in the 9th and 15th lines of the first section.

Which motion prevailed.

Mr. Johnson moved to fill the first blank with "sixty."

Mr. Rogers moved to fill it with "one hundred and twenty." Which motion having precedence, the question was thereon had, and determined in the affirmative—ayes 17, noes 7.

The ayes and noes being demanded by Mr. Rogers, seconded by Mr. Graves, the affirmative voters are,

Mr. Armstrong, Brown, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Love, McGaughey, Morford, Motley, Powell, Reagan, Rogers, Totten and Vernon—17.

The negative voters are,

Mr. Cahal, Childress, Craighead, Johnson, Moore, Robertson and Trousdale—7.

Mr. Reagan moved to fill the second blank with "nine months," and the sense of the Senate being had thereon, it was determined in the negative,—ayes 4, noes 20.

The ayes and noes being demanded by Mr. Reagan and seconded by Mr. Love, the affirmative voters are,

Mr. Hynds, Love, Morford and Reagan,—4.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves,

Gray, Henderson, Johnson, Ledbetter, McGaughey, Moore, Motley, Powell, Robertson, Rogers, Totten, Trousdale and Vernon,—20.

Mr. Johnson moved to fill said blank with "six months," and the sense of the Senate being had thereon, it was rejected,—ayes 11, noes 13.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Love, the affirmative voters are,

Mr. Armstrong, Hynds, Johnson, Ledbetter, Love, McGaughey, Morford, Powell, Reagan, Robertson and Vernon,—11.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Moore, Motley, Rogers, Totten and Trousdale,—13.

On motion of Mr. Johnson, said bill was ordered to the table.

Mr. Ledbetter introduced a bill supplemental to an act, passed in 1836, establishing the county of Coffee, which was read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. Speaker: the House of Representative concur in the several amendments proposed by the Senate, to the bill to incorporate the Cincinnati and Charleston rail road company, except the amendment striking out the nineteenth section of the bill, in which the House of Representatives nonconcur; and then he withdrew.

Whereupon, on motion of Mr. Hynds, the Senate receded from said amend ment.

A message from the House of Representatives by Mr. Mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives, did, this day sign enrolled acts, of the following titles, to wit: An act to incorporate the Gallatin Female Academy, and an act for the benefit of John Austin and others. The Speaker of the House of Representatives did also sign an enrolled resolution, supplemental to a resolution laying off the several counties of this State into districts; and then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled acts and resolution, and ordered them to be deposited in the office of the Secretary of State.

The Senate then adjourned.

SATURDAY, JANUARY 23rd, 1836.

Mr. Ledbetter from the committee on enrollments, reported as correctly enrolled, a resolution requiring Thomas Crutcher, treasurer of the State, to make demand of the President of the Union Bank of the bonus and profits arising from the State stock in said bank, according to the provisions of its charter; and an act to fix the salaries of the chancellors, and circuit court judges in this State; whereupon the Speaker signed said enrolled resolution and act, and ordered that they be transmitted to the House of Representatives.

Mr. Craighead, from the judiciary committee, to whom was referred the

amendment of the House of Representatives to the Senate's bill, to establish circuit courts, reported that the committee have had the same under consideration, and had instructed him to recommend a nonconcurrence with the entire amendment. Said report was concurred in, except the 16th section of the amendment proposed by the House of Representatives, with which the Senate concur, with the following proposed amendments thereto, to wit: In the second circuit the courts shall be holden as follows, to wit: For the county of Clarke, on the second Monday of January, May and September; for the county of Jefferson, on the third Monday of January, May and September; for the county of Sevier on the 4th Monday of January, May and September; for the county of Blount, on the first Monday, after the 4th Monday of January, May and September; for the county of Knox, on the second Monday of February, June and October; for the county of Campbell, on the 4th Monday of February, June and October; for the county of of Anderson, on the second Monday of March, July and November; and for the county of Morgan, on the third Monday of March, July and November.

The Senate propose to add Meigs county to the third judicial circuit, and the Circuit courts be held for that county on the third Monday of April, August and December.

In the eight Circuit, the Senate proposes to alter the time of holding the court of Giles county to the 4th Manday in February, June and October.

Mr. Childress introduced a bill, suplemental to an act passed at the present session of the General Assembly, extending the limits of the corporation of Franklin, in Williamson county, which was read a first time and passed.

Mr. Childress presented to the Senate, a communication from James Caruthers, treasurer of the Western District, in answer to a resolution of the Senate, calling on him for certain information, which was read and ordered to the table.

A bill suplemental to an act passed the 8th of January, 1836, to establish the county of Coffee, was taken up, read a 2nd time and passed.

A bill to incorporate the Clarksville and Russelville rail road company, was taken up, read a third time and passed,—ayes 21, noes 00.

The ayes and noes being required by the Constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon,—21. There being no negative voters.

Mr. McGaughey returned a bill withdrawn by him for amendment, supplemental to an act entitled an act establishing a supreme court in pursuance of the section, article of the Constitution.

Mr. McGaughey moved to strike out the words "treasurer of the State," in the second section of the bill, and insert in lieu thereof the words, "county trustee of Davidson county," and the sense of the Senate being had thereon, it was determined in the negative, ayes 7, noes 16.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Reagan, the affirmative voters are,

Mr. Childress, Hynds, McGaughey, Powell, Reagan, Rogers and Vernon,—7.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Moore, Morford, Robertson, Totten and Trousdale—16.

Mr. McGaughey moved to amend the 4th section of the bill, by striking out the "second Monday in July," and insert the third Monday in June, which was accepted.

On motion of Mr. Craighead, said bill was ordered to the table.

A bill to establish the county of Cannon, was taken up and read.

Mr. Morford moved to strike out "four acres" as the size of the public square, and insert in lieu theref "three acres."

Which motion prevailed.

Mr. Trousdale moved to strike out the eighth line of the fifth section of the bill, and insert in lieu thereof, "In the centre of the county of Cannon, or within seven miles thereof."

And the sense of the Senate being had thereon, it was determined in the negative—ayes 10, noes 11.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Totten, the affirmative voters are,

Mr. Cahal, Childress, Gordon, Graves, Moore, Robertson, Henderson, Hynds, Totten and Trousdale—10.

The negative voters are,

Mr. speaker Webster, Armstrong, Brown, Gray, Ledbetter, McGaughey, Morford, Powell, Reagan, Rogers and Vernon—11.

Mr. Trousdale moved the following amendment to the bill, to wit: That the court house shall not be located within less than five miles of the town of Danville.

And the sense of the Senate being had thereon, it was determined in the negative—ayes 1, noes 19.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Totten, the affirmative voter is, Mr. Trousdale—1.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Ledbetter, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Rogers, Totten and Vernon—19.

Mr. Trousdale moved to strike out the names of the commissioners in the 5th section of the bill, to locate the seat of justice for said county; and that three disinterested persons be appointed by the Senate to locate said seat of justice, who shall not be citizens of either of the counties of Smith, Rutherford or Warren.

Mr. Ledbetter moved to amend said motion by adding thereto, that the Senators from Sumner, Rutherford and Warren, each appoint one commissioner; which was accepted, and the motion of Mr. Trousdale as amended agreed to.

Whereupon Mr. Trousdale appointed George Elliott, of Sumner county; Mr. Ledbetter, Jonathan Webster, of Coffee county, and Mr. Morford John S. Russworm, of Williamson county.

Mr. Trousdale offered the following amendment to the 5th section of the bill, to wit:

Said commissioners shall ascertain the centre of Cannon county, and shall then locate the county seat at said centre, or within eight miles thereof.

And the sense of the Senate being had thereon, it was determined in the negative—ayes 8, noes 12.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Henderson, the affirmative voters are,

Mr. Cahal, Childress, Gray, Henderson, Hynds, Moore, Rogers and Trousdale—8.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Gordon, Graves, Ledbetter, McGaughey, Morford, Powell, Reagan, Robertson and Vernon—12.

The question then recurred upon the passage of the bill as amended; and the question Shall the bill pass a third time? being had thereon, it was determined in the affirmative—ayes 20, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—20.

The negative voter is Mr. Childress—1.

Mr. Reagan returned a bill prescribing the duties of justices of the peace on executions in certain cases, withdrawn by him for amendment, with an additional section thereto; which was accepted, the bill read as amended a second time and passed.

Mr. Trousdale submitted the following:

Resolved, By the General Assembly of the State of Tennessee, that the Senate meet the House of Representatives in their hall on Wednesday the 22d inst. to elect three chancellors, eleven circuit judges, and eleven attornies general for the State.

On motion of Mr. Trousdale the rule requiring resolutions to lie one day on the table, was suspended.

Mr. Cahal moved to strike out Wednesday, for the purpose of inserting Monday; which motion failed.

Mr. Gray moved to strike out Wednesday and insert Tuesday; which was agreed to.

The resolution as amended was then adopted.

Mr. McGaughey submitted the following:

Resolved, That the Secretary of State be required to make out a fair copy of the captions of the acts passed at the present session, setting forth the substance of the same, as near as practicable; and that he furnish the printer to the Senate with a copy, who shall print five thousand copies for the use of the Senate.

On motion of Mr. McGaughey, the rule requiring resolutions to lie one day on the table, was suspended, and the resolution adopted.

Mr. McGaughey submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That all

accounts against the State for stationery, fire-wood, or any other article furnished for the use of the General Assembly at the present session, shall be made out on oath, or shall prove the same, by witnesses, to be examined orally, by the committee, if to them it should seem necessary, before they shall be received or taken into the account by the committee on claims, or any select committee appointed to ascertain the expenses of the present session.

And then the Senate adjourned.

MONDAY, JANUARY 25th, 1836.

Mr. Ledbetter from the committee on enrollments, reported as correctly enrolled, an act to lay off the State into solicitorial districts, and for other purposes.

The speaker signed said enrolled act.

Ordered, That it be transmitted to the House of Representatives.

Mr. Johnson introduced a bill to extend the corporation limits of the town of Clarksville; and

Mr. Vernon a bill to provide for the holding of the courts of the county of Meigs.

Both of which were severally read a first time and passed.

A bill supplemental to an act passed at the present session of the General Assembly, extending the limits of the corporation of Franklin, in Williamson county, was taken up, read a 2d time and passed.

On motion of Mr. Cahal, the Senate took up the following resolution, heretofore submitted by him, to wit:

Resolved, That the principal clerk of the Senate is hereby authorised and required to employ some person, at a fair and reasonable price, to transcribe the journal for publication, and report to the Senate.

Mr. Trousdale moved to lay the resolution on the table, which motion failed.

The resolution was thereupon adopted:

A bill supplemental to an act passed January the 8th 1836, to establish the county of Coffee, was taken up, read a third time; and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 19, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Powell, Reagan, Robertson, Rogers and Vernon—19.

The negative voter is Mr. Morford—1.

A bill to establish the dividing line between the counties of Robertson and Montgomery, was taken up, read a 2d time and passed.

A bill to authorise the sale of a part of the public square in the town of Waynesboro', was taken up, read a 2d time and passed.

The following message was received from his excellency the Governor, by Luke Lea, Esq. Secretary of State:

MESSAGE.

EXECUTIVE OFFICE,
Nashville, January 25, 1836.

Fellow Citizens of the Senate,
and of the House of Representatives:

Notwithstanding the many important duties and high responsibilities which have devolved upon you during the present session, and the lateness of the period in which I am aware that you feel deep solicitude to bring your labors to a close and return to your homes, your families and your constituents, I cannot, consistently with my official duty and that free and full intercourse which should at all times exist between the Legislative and Executive Departments of our Government, permit the occasion to pass, without troubling you with a few additional suggestions, which, in my estimation, the public interest seems to require.

Since the date of my former communication to the General Assembly, made in the early part of the session, I have received from the General Government, under the act of Congress to provide for arming the militia, 2989 stand of arms, to wit: muskets, with the necessary implements complete, being the balance or arrearages due to our State, as her quota under the provisions of said act, up to the 31st of December, 1834; which arms I have caused to be deposited, with those heretofore received and remaining on hand, in the care of the Superintendent of the Penitentiary.

And, under the provisions of the resolution adopted by the Legislature the present session, the following distribution of arms have been made:

To the company of Volunteers at Clarksville, sixty stand:

To the company in Knoxville, sixty stand:

To captain Rayburn's company in the city of Nashville, sixty stand; and

To captain Tappan's company in the town of Franklin, forty stand of arms; for which bonds have been taken, according to said resolution, and filed in the office of the Secretary of State.

The whole number thus distributed, up to the present time, being two hundred and twenty stand; which number deducted from the number received, leaves a balance of two thousand seven hundred and sixty-nine, to be added to the number previously remaining in the Penitentiary; which number has not as yet been precisely or satisfactorily ascertained, as will appear by reference to the report of the Inspector General of the State, marked A., by which it seems, from the estimate he has made, that there is now in the Penitentiary about ten thousand stand of arms, besides twelve boxes containing swords, and four boxes of pistols: as appears by reference to the letter of the Superintendent, marked B.

These arms are in boxes that are air-proof. The opening of them, therefore, to ascertain the precise number, (the only means within the reach of the Executive at this time,) would expose them to great injury; and it has been deemed best, for the present, not to open the boxes, but to rely upon such estimates as could be made without subjecting the public arms to such exposure.

In addition to the number of arms recently distributed under your resolution of this session, it is estimated that there has been previously distributed about twelve hundred and fifty stand, that have never as yet been returned, though perhaps remaining in the possession of the volunteers or militia who received them.

The experience of our own State, as well as that of many others, in relation to the distribution of the public arms in times of peace in this way, proves that it has generally resulted in the entire loss or rendering unfit for service a large portion; and such we may expect will be the case hereafter, unless some more efficient regulation can be adopted for their safety and preservation, while thus in the hands of the volunteers and militia of our State.

Therefore, in relation to this subject, I would beg leave to suggest to the Legislature, the propriety of providing by law for the distribution of such portion of the public arms, as they may deem most expedient, to the volunteer companies that are or may be organised in the different regiments or brigades throughout the State, on equitable principles, or according to the number of regiments, battalions or companies in each brigade, in order that each section of the State may be entitled to receive something like its quota, according to the number of militia, should they be demanded.

That said volunteer companies who receive the public arms, should be required to hold frequent drill musters, also attend all general parades and hold themselves in readiness, as the first class of the militia, for the first tour of duty in any emergency in which their services may be required.

That said companies should also be required to keep an arsenal, or safe place of deposite for said arms, at or convenient to their respective muster grounds, in which they should be kept under the care and direction of the commanding officer of the company, to be used only in times of parade or muster days.

Unless some regulation of this description, or others that may be suggested better calculated to effect the object are adopted, it is much to be feared that a large portion of the arms that are or may be distributed, will be either lost to the State, or rendered unfit for service.

I do not consider the Penitentiary the most safe and proper place for the arsenal of the State; but should it continue as such for the present, it might be necessary and proper that the attention of some officer of that institution to the public arms placed there, should be required by law.

Your attention has been invited, in a former communication, to the condition of the militia. It is not such as would seem desirable, under the slightest prospect of a contest with a foreign power, in the enforcement of our just rights or the maintenance of those free and inestimable principles on which our Government is founded; and, notwithstanding such is the patriotic ardor of our citizens, and the firm and elastic feelings which influence their actions, as to cause them to be ready under all circumstances, for every contingency, when their rights are assailed, their improvement is an object still much to be desired, and must, when effected, commence with the officers. This could be done by annual brigade encampments, a certain number of days, sufficient to acquire some knowledge of military science, together with the duties of the camp.

I, however, speak of this only as a most efficient plan for their improvement, while I am fully aware that the great expenses and many sacrifices they are already required to encounter, in equipments and the discharge of duty, are such as to forbid the idea of imposing on them additional duties and expenditures without compensation, which would be too great a burthen for our State to bear at this time. Indeed it is one that should at all times be met by the General Government, in accordance with the provisions of the Constitution of the U. States, where the *discipline* of the militia is as much provided for as *arming* them, building fortifications, supporting a regular army, or any other means of national defence whatever.

I have also received, from the Secretary of State of the United States, five sets of books containing twenty-five volumes each, of the documents of the first session of the twenty-third Congress; one set for the Jackson College, which has been delivered; one set for the University at this place; one set for each branch of the Legislature, and one set for the Executive of this State, which have been deposited in the office of Secretary of State.

Notwithstanding the many efforts which have been made, it seems from the report of the agent of the bank of the State of Tennessee, that that institution has not as yet been brought to a close; an object, however, much to be desired, and I trust will be accomplished in the most speedy and effectual manner, that may be deemed consistent with safety to the public interest, and with suitable provisions for the security of the school funds, as well as their faithful application to the laudable objects to which they have been appropriated by the Legislature, and more permanently secured by our Constitution.

In connection with this subject, is that of a general system of education; on which the attention of the Legislature has been engaged, and may be considered as one of the highest importance to the people of Tennessee.

The failure of the Legislature in the efforts heretofore made to accomplish this interesting object, may perhaps be in a great degree attributed to the circumstance of their having aimed in the commencement to do too much, or more than could be accomplished by the funds of the State subjected to that purpose. I have therefore suggested the propriety of adopting a more simple system, that is calculated to bring the means of education within the reach of that part of the rising generation, who are entirely destitute and cannot obtain it from any other source. This I feel confident may be done, to a very great and general extent in our State even with the present school funds, by the appointment in each county of a treasurer of the proceeds of the school funds, belonging to said county, whose duty it shall be to receive and disburse the same. That a school commissioner be also appointed in each magistrate's district throughout the State, whose duty it shall be made under the most solemn injunctions of an oath, to superintend the education of all children in his district, under a certain age, who are entirely destitute of the means of obtaining it from any other source. Making it the duty of said commissioner, whenever a school has been established or is proposed to be set up in any part of his district, to go round the neighborhood within reach of said school and ascertain the number and name of such children; to subscribe them as scholars, and if necessary furnish them with books; and give an order

to the teacher, on the treasurer of the county aforesaid, for the amount of tuition, &c. He should be exempt from other public duties. Said commissioners should, once or twice in each year, meet as a board, with the treasurer, for the purpose of ascertaining the amount to be expended annually in each district, as well as for adopting some uniformity of action in other respects, and regularly report their proceedings to the board of commissioners of the State, to be submitted to each session of the Legislature, and receive their general instructions from the said board.

Thus I have only glanced at some of the leading provisions of a system, simple in its character, though it seems to me somewhat adapted to the situation and funds of our State, under the operation of which if carried into effect, much good might be done. The subject has been a perplexing one to the Legislature, though always held as one of the highest importance, which I trust will be deemed a sufficient apology for calling your attention to the crude suggestions herewith submitted, with the assurance that I will with great alacrity, use every exertion within the power of the Executive, to carry into effect any system that may be adopted by the General Assembly.

It will be seen that the plan here proposed does not contemplate the *establishment* of schools, it only looks to the *encouragement* of schools throughout the State, in the way prescribed; as it would often happen that the establishment of schools would fail in the absence of such a system, when with its aid they would be successful.

Every citizen of the State must feel deeply and equally interested in extending, at least some portion of the means of education, to that numerous class of the children of our country, who would be benefitted by this provision. Hence no constitutional objection can more justly apply to this measure, according to my view of the subject, than would equally apply to any other system that has been or may be proposed. And on this subject, one great object should be, to adopt such a system, however simple, as can be put into successful operation. Relying on such further improvements as experience may point out, and the future funds of the State may authorise.

It is a source of much gratification to see the spirit of Internal Improvement under the authority of the States, prevailing so extensively, not only in Tennessee, but also in many other States bordering on our territory. Since I had the honor of submitting to your consideration the views which I entertained on this subject, together with some others of public interest, in the early part of the session, you have been favored with the application on the part of the New Orleans and Nashville rail road company, for a charter, authorising the construction of such part of said road as may lie within the limits of our State; which has been granted, in that spirit of liberality and encouragement which have gained its unanimous acceptance by the board of directors of said rail road company at New Orleans, as will appear by reference to the letter of the President, marked C., and the minutes of the proceedings of the board therein enclosed, marked D., affording the most flattering prospect, in relation to the speedy and successful accomplishment of this grand enterprise; in relation to which this section of our State, as well as many others must feel a deep interest.

You have also been favored with a similar application on the part of the

Cincinnati and Charleston rail road company, which has been granted, by the same feelings of liberality and encouragement which has distinguished the deliberations of the present session of the Legislature of Tennessee on all such subjects, and which I have no doubt is demanded by the public interest, in their successful accomplishment.

The proceedings of the different meetings which have been held on this subject in Cincinnati, O.; Charleston, Columbia, Greenville, and other places in South Carolina, as well as the numerous meetings throughout the Eastern section of Tennessee, and in all the different parts of the other States through which this road must pass, together with their various proceedings and resolutions on the subject, adopted with such unexampled unanimity, most clearly demonstrate to us that the citizens, in all the various sections and States interested, are becoming fully sensible of the importance of this great improvement. Indeed, such has already been the development of public opinion in relation to it, and the deep interest manifested, as to leave but little grounds to doubt its final success, should the Legislature of Tennessee afford that encouragement required by our Constitution, and, at the same time, demanded by the great interests of our State.

Nothing has thus far been seen to mar, in the slightest degree, the prospect, or impede the progress of this great work. Every circumstance seems to favor it, because it is of vast and incalculable importance not only to the citizens of Charleston, Cincinnati, North and South Carolina, Kentucky and Ohio, as well as other sections of the Union, which will be brought into more close commercial connexion and intercourse; but it is also an object, the attainment of which is of the most vital importance to a large portion of the citizens of our own State. As this great communication between the North and South, and in some degree also between the East and West, must pass directly thro' the eastern part of Tennessee, a country that has been thus far locked up, and in a great degree deprived of commercial advantages, although abounding in fertility of soil, mineral treasures and water power sufficient for the most extensive manufacturing operations, with a climate equally salubrious and healthful to any perhaps in the known world. To such a country then, the accomplishment of this great improvement is almost every thing, it seems to me, that its citizens could desire; and I doubt not, they are now waiting with deep anxiety for the arrival of the time when they can be permitted to give more ample demonstration of their feelings, by subscriptions for the stock, and the application of their means, as well as every other aid in their power.

I feel confident that now is the auspicious time for Tennessee to move forward in the great work of internal improvements, and to unite to the fullest extent our aid and co-operation with those of our sister States who are also so deeply interested in their accomplishment, which must confer incalculable benefits on a vast extent of country, and shed a lustre upon the age, as well as on the characters of those who may be instrumental in effecting such improvements. In relation to subjects of such high interest, I trust the acts of the Legislature will not fall behind the feelings and wishes of the people. It is highly probable that some of those works will be commenced before the next session of the Legislature, by the examinations and surveys of those parts of the country where the improvements are contemplated. It is there-

fore important that ample provisions to meet those objects should now be made. Indeed I hope that nothing will be left undone, that should be done, with regard to appropriations or any thing else that may be necessary, to aid in the most speedy progress of the improvements that are contemplated by the system you may adopt. In the prosecution of such system, it may not be the most sound or enlightened policy, to be sparing in our expenditures towards objects so highly beneficial and important to the people amongst whom such expenditures are made. I feel deeply impressed with the importance of this subject. I am solicitous to see these great works progressing in our State, and would strain every nerve in their accomplishment. In doing which we expect to follow the example of other States who have gone before us, in this kind of industry and enterprise; we must expect to advance upon the credit of the State to some extent, as our available means at this time, otherwise, would be entirely inadequate to carry on successfully such a system as is contemplated and such as our situation requires. Although we cannot now calculate with certainty on receiving from the General Government our just proportion of the proceeds of the sales of the public lands of the United States, according to the just and equitable principles on which such distribution has been proposed, yet I feel a sanguine hope, that a measure, so just in principle and salutary in its operation, will ultimately prevail, or some other similar distribution be made amongst the different States of the Union, which is appropriated by our constitution to education and internal improvement.

The prospect of obtaining nearly one million of dollars from that source, affords at least some additional encouragement to us, to proceed with our systems, which hold in prospect such numerous benefits to the people. Many important circumstances, at this time surrounding us, conspire in producing the conviction, that now is the accepted time for Tennessee to embark in these great works which are pregnant with such important results, not only in a commercial point of view, and the enhancement of the value of lands throughout such vast extent of territory, but also developing other resources and thereby increasing to a vast extent the revenues of our State.

NEWTON CANNON.

DOCUMENTS.

A.

LETTER OF THE INSPECTOR GENERAL.

NASHVILLE, January 15, 1836.

To His Excellency Newton Cannon:

Sir:—In obedience to your orders, I have endeavored to ascertain, as near as practicable, the number of arms, &c., belonging to the State of Tennessee. This has proved a difficult task, and the result is by no means satisfactory or full. Under the old law, a considerable amount of arms was delivered to different companies, in various parts of the State; for which, according to the requisitions of that law, bonds were given to the Governor. A portion of them having been returned, the bonds were cancelled, and a part of the remainder has been destroyed, or so scattered about as to render it impossible to obtain an account of the precise number. Under these circumstances, I shall be compelled, for the present, to furnish merely an estimate.

There are about *twelve hundred and fifty muskets*, from the best information I can obtain, still unreturned and in the hands of different companies throughout the State; and there are in the Arsenal, at the Penitentiary, very nearly *ten thousand*, making in all, upwards of *eleven thousand muskets*, belonging to the State of Tennessee. To each of them is attached, at least to those in the Arsenal, a cartouch box, bayonet and strap. Whether these appendages have been preserved by those who have possession of the twelve hundred and fifty before alluded to, it is impossible to say.

There is at the Penitentiary a number of swords and pistols. Owing to the fact that the boxes containing them had been placed under the boxes containing the muskets (the number of which was ascertained without removing them), I have not yet obtained an account of their number. This I will, however, do, in a short time.

At some future time, I shall make to your Excellency, a more complete and satisfactory statement, in relation to the subject of this rough estimate.

In the mean time, I have the honor to be,

Yours, most respectfully,

WASHINGTON BARROW,

Inspector General of the State of Tennessee.

B.

LETTER OF THE SUPERINTENDENT OF THE PENITENTIARY.

TENNESSEE PENITENTIARY,
January 14, 1836.

His Excellency Newton Cannon:

Agreeably to your request, I have examined the Arsenal, and find

12 boxes Swords,
4 " Pistols,
} Number contained in each box, not marked.

There may be more boxes of each; but owing to the present arrangement of the arms, I cannot make a thorough examination.

There are boxes of accoutrements for all the muskets, as reported by General Barrow.

I am, respectfully, your obedient servant,

JOHN. McINTOSH.

C.

LETTER OF THE PRESIDENT OF THE BOARD OF DIRECTORS OF THE N. ORLEANS & NASHVILLE RAIL ROAD COMPANY.

NEW ORLEANS, December 31st, 1835.

To his Excellency the Governor of the State of Tennessee:

Sir:—In virtue of a resolution of the Board of Directors of the New Orleans and Nashville Rail Road Company, a copy of which I inclose, I have the pleasure to make known to you the acceptance on the part of the Company of the act of incorporation, passed by the Legislature of the State of Tennessee. I am persuaded that I speak the sentiments of my fellow-citizens of Louisiana, in assuring you that they rejoice at the bright prospect which now offers to facilitate the social and commercial relations between the two States. The hope that many of the brave citizens of your State (who came to our relief at the time of invasion) may live to visit us by the aid of the work we have undertaken, will continue to stimulate us in its accomplishment.

I am, very respectfully, your most obedient servant,

W. W. HOFFMAN,
President N. O. & N. R. R. C.

D.

MINUTES

OF THE PROCEEDINGS OF THE BOARD AT NEW ORLEANS.

At a stated meeting of the Board of Directors of the New Orleans and Nashville Rail Road Company, held this 17th day of December, A. D. 1835,

Resolved unanimously, That the charter granted to the Company by the Legislature of the State of Tennessee, on the 6th day of November 1835, be and the same is hereby accepted by the Board.

I certify the above to be a true copy from the minutes of the Board.

THOMAS L. TERRY, Secretary pro. tem.

At a stated meeting of the Board of Directors of the New Orleans and Nashville Rail Road Company, held on the 19th day of December, 1835,

Resolved, That the President be requested to notify the Governor of the State of Tennessee, that the Company have accepted the charter granted to them by that State.

A true copy from the minutes of the Board.

F. W. LEA, Secretary.

Mr. Cahal moved that five thousand copies of the foregoing message be printed for the use of the Senate.

Mr. Trousdale moved to amend the said motion by adding five millions; which was rejected.

The motion then prevailed.

A bill to incorporate the Oakland Academy, was taken up, read a third time and passed.

Mr. Moore submitted the following:

Resolved, That so much of the Governor's message as relates to the public arms, be referred to [a] select committee; and that so much as relates to the subject of education, be referred to the committee on education; and that so much as relates to internal improvement, be referred to a select committee; and that the said committees make report to the present General Assembly.

On motion of Mr. Cahal, the Senate took up a bill setting forth the property, real and personal, and the privileges and occupations liable to taxation in this State.

On Mr. Ledbetter's motion, the Senate resolved themselves into a committee of the whole, Mr. MaGaughey in the chair, upon the above bill; and after some time spent in the consideration thereof, the committee rose, reported progress, and asked and obtained leave to sit again.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. Speaker: The House of Representatives concur in the amendment

proposed by the Senate to the 16th section of the amendment of the House to the bill establishing circuit courts in this State, except the amendment relating to the time of holding the circuit courts of Giles county, in which they non-concur.

The House of Representatives insist upon the balance of their amendment to said bill, and propose a committee of conference on said amendment, and have appointed Messrs. Caruthers, Whiteside, Ready, Strother, Guild, Campbell of Smith, Turney and Gordon on the part of the House of Representatives; in which they ask the concurrence of the Senate. And then he withdrew.

Mr. Cahal moved that the Senate adhere to their proposed amendment to the 16th section of the amendment of the House of Representatives to a bill establishing circuit courts, as to the time of holding the circuit courts for Giles county.

Which motion prevailed.

On motion of Mr. Powell, the Senate concurred with so much of the above message as proposes a committee of conference; and the chair appointed Mr. Craighead, Childress, Cahal, Henderson, Ledbetter, Hynds, Trousdale and Totten to be of said committee on the part of the Senate.

Mr. Craighead from the above committee, made the following report, to wit:—The committee of conference to whom was referred the bill establishing circuit courts, directs me to report that they have adopted the bill which originated and was passed by the Senate.

They have also stricken out the 16th section and the 22d section of said bill. They have also appointed the time of holding court in the eighth circuit as follows:

For the county of Maury—On the first Mondays of January and May, and the fourth Monday of August.

For the county of Lincoln—On the third Monday of March next, and ever after on the first Mondays of February, June and October.

For the county of Giles—On the third Monday of February, and the 4th Mondays of June and October.

For the county of Lawrence—On the second Mondays of March, July and November.

They have likewise adopted the thirty-second section of the bill passed by the House of Representatives; which is as follows:

Section 32d. Be it enacted, All laws now in force relating to the power, jurisdiction and duties of the former circuit court, or any officer thereof, not incompatible with this act and the constitution of the State, shall remain in full force, for the government and regulation of the court, and its officers hereby established.

Which said report was concurred in by the Senate.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives concur with the report of the committee of conference on the bill establishing circuit courts. The House also concur in the report of the committee of conference on the amendment to the bill to provide for electing a comptroller of the treasury, and to pre-

scribe his duties. The House of Representatives recede from their amendment to the bill to lay off the State into solicitorial districts, and for other purposes. And then he withdrew.

On motion of Mr. Brown, the Senate took up a resolution from the House of Representatives, appointing commissioners to lay off Hardin county into districts for the election of justices of the peace and constables.

Which was read and adopted.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

The House of Representatives have taken up and considered the several amendments proposed by the Senate to a bill establishing the county of Marshall, and concur with all of said amendments except the first, which proposes to change the name of said county; with which they non-concur. And then he withdrew.

On motion of Mr. Morford, the Senate adhered to their amendment non-concurred in by the House of Representatives, and proposed a committee of conference on said subject.

The chair appointed Mr. Morford, Vernon and Powell to be of said committee on the part of the Senate.

Mr. Powell from the above named committee, reported that the committee of conference on the bill to establish Marshall county, had met, and had the matter in dispute between the two houses under consideration, and had unanimously instructed him to report that they had agreed to retain the name of Cannon, and that Marshall be stricken out.

Said report was concurred in by the Senate.

Mr. Webster introduced a bill to incorporate the Murfreesboro', Manchester and Winchester turnpike company.

Which was read a first time and passed.

A bill to incorporate the Tennessee and Coosa rail road company, was taken up, read a 2d time and passed.

A bill making an appropriation of money to clean out obstructions in the east fork of Obed's river, was taken up, read a 2d time and passed.

The Senate then adjourned.

TUESDAY, JANUARY 26th, 1836.

Mr. Childress introduced a bill to incorporate the President, trustees, &c. of the Franklin female academy.

Which was read a first time and passed.

Mr. Vernon moved a reconsideration of the vote ordering the printing of five thousand copies of the Governor's message, which was ordered to be printed.

Which motion prevailed.

Mr. Morford submitted the following:

Resolved, That Joseph Miller, Willie J. Hines, Robert Cowan and P. S. Peckerd, be and are hereby appointed commissioners in the room and stead of

the former commissioners of the turnpike road known as Caperton's, leading from Winchester in the county of Franklin, to Bellfonte in Alabama.

A bill supplemental to an act passed at the present session of this General Assembly, extending the limits of the corporation of Franklin in Williamson county, was taken up, read a third time and passed.

On motion of Mr. Moore, the resolution heretofore submitted by him, upon the subject of referring the Governor's message to different committees, was taken up, read and adopted.

On motion of Mr. McCaughey, the resolution heretofore submitted by him requiring that all accounts for stationery, wood and other materials furnished for the present General Assembly to be proven, was taken up, read and adopted.

Mr. Craighead from the committee on enrollments, reported as correctly enrolled, an act establishing circuit courts.

The speaker signed said enrolled act, and ordered it to be transmitted to the House of Reprosentatives.

A bill to amend an act passed the first day of January 1830, entitled an act for the benefit of the Bean's Station turnpike company, was taken up.

Mr. McGaughey offered an additional section as an amendment to the bill, which was accepted, the bill as amended was read a 2d time and passed.

Mr. Craighead submitted the following:

Resolved, by the General Assembly of the State of Tennessee, That the election for chancellor for the middle division be postponed until Tuesday next.

Mr. Craighead moved that the rule requiring resolutions to lie one day on the table be suspended; which motion failed.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives are now ready to go into the elections set apart for this day. And then he withdrew.

Whereupon the speaker and gentlemen of the Senate repaired to the hall of the House of Representatives, and thereupon the two Houses proceeded (viva voce) to the election of a chancellor for the eastern division.

Mr. Mabry, the representative from Knox, nominated Thomas L. Williams.

Mr. Churchwell, the member from the counties of Roane and Knox, nominated Pryor Lea.

Mr. Wright, the representative from Monroe county, nominated Jacob Peck.

Those who voted for LEA are the following:	Those who voted for WILLIAMS are the following:
Webster	Armstrong
Gordon	Brown
Gray	Cahal
Hynds	Childress
Johnson	Craighead
Moore	Graves
Motley	Henderson
Robertson	Ledbetter
Rogers	McGaughey
Totten	Morford
Trousdale	Reagan
Vernon—12.	Powell—12.

The vote of the House of Representatives being continued and had, the speaker of the Senate announced that Thomas L. Williams was duly and constitutionally elected chancellor for the eastern division of the State of Tennessee, for the ensuing eight years.

The two Houses in like manner proceeded to the election of a chancellor for the middle division—Lunsford M. Bramlett being in nomination.

The vote of the Senate was as follows, to wit:

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale, Vernon—24.

The vote of the House of Representatives was continued and the result announced. The speaker of the Senate declared that Lunsford M. Bramlett, of the county of Giles, was duly and constitutionally elected chancellor for the middle division of the State of Tennessee for the ensuing eight years.

The two Houses in like manner proceeded to the election of a chancellor for the western division—Andrew McCampbell, Pleasant M. Miller, and Parry W. Humphreys being in nomiation:

Those who voted for HUMPHREYS are the following:	Those who voted for MILLER are the following:	Those who voted for McCAMPBELL are the following:
Mr. Webster	Armstrong	Hynds
Cahal	Brown	Love
Childress	Graves	McGaughey
Craighead	Henderson	Motley
Gordon	Moore	Trousdale—5.
Gray	Powell	
Johnson	Rogers	
Ledbetter	Totten	
Morford	Reagan	
Robertson—10.	Vernon—10.	

The vote of the House of Representatives being continued and the result announced, the speaker of the Senate declared that Pleasant M. Miller was

duly and constitutionally elected chancellor of the western division of the State of Tennessee, for the ensuing eight years.

The two Houses then proceeded in like manner to the election of circuit court judges for the State—Samuel Powell being in nomination for the first circuit. The vote was as follows:

For Powell—Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

The vote of the House of Representatives being continued and the result announced, Samuel Powell was declared by the speaker of the Senate to be duly and constitutionally elected a judge of the circuit courts of the State of Tennessee, for the first circuit, for the ensuing eight years.

The two Houses then proceeded to [the] election of a judge for the second circuit—Messrs. Edward Scott, John F. Gillespie and James P. H. Porter being in nomination. The vote was as follows:

For Edward Scott.	For John F. Gillespie.	For Jas. P. H. Porter.
Messrs. Brown	Mess. Armstrong	Mr. Speaker Webster
Childress	Cahal	Gray
Craighead	Morford	Hynds
Gordon	Reagan	McGaughey—4.
Graves	Totten	
Henderson	Love—6.	
Johnson		
Ledbetter		
Moore		
Motley		
Powell		
Robertson		
Rogers		
Trousdale		
Vernon—15.		

The vote of the House of Representatives being continued and the result announced, Edward Scott was declared by the speaker of the Senate to be duly and constitutionally elected a judge of the circuit court for the second circuit of this State, for the ensuing eight years.

The two Houses then in like manner proceeded to the election of a judge for the third circuit—Charles F. Keith being in nomination.

The vote of the Senate was as follows:

For Keith—Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

The vote of the House of Representatives being continued and had, and the result announced, the speaker of the Senate declared Charles F. Keith to be duly and constitutionally elected a judge of the circuit court of this State for the third circuit for eight years.

The two Houses then proceeded to the election of a judge for the fourth circuit—Mr. Abraham Caruthers being in nomination.

The vote of the Senate was, for Mr. Caruthers, as follows, to wit:

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

The vote of the House of Representatives being continued and had, and the result announced, the speaker of the Senate declared Mr. Abraham Caruthers to be duly and constitutionally elected judge of the fourth circuit of this State, for the ensuing eight years.

The two Houses then proceeded to the election of a judge for the fifth circuit—Mr. Samuel Anderson being in nomination.

The vote of the Senate was for Mr. Anderson, as follows, to wit:

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

The vote of the House of Representatives being continued and had, and the result announced, the speaker of the Senate declared Mr. Samuel Anderson to be duly and constitutionally elected a judge for the fifth circuit for the State of Tennessee, for the ensuing eight years.

The two Houses then proceeded to the election of a judge for the sixth circuit—Messrs. Wm. T. Brown, Oliver B. Hays and Thomas Stuart being in nomination. The vote of the Senate was,

For Thomas Stuart.	For Oliver B. Hays.	For Wm. T. Brown.
Messrs. Armstrong	Messrs. Cahal	Mr. Webster
Brown	Graves	Craighead
Childress	Henderson	Gordon
Totten	Hynds	Gray
Trousdale—5.	McGaughey	Johnson
	Reagan	Ledbetter
	Robertson	Moore
	Vernon—8.	Morford
		Motley
		Powell
		Rogers—11.

There being no election, the two Houses proceeded to a second voting; which is as follows:

For Thos. Stuart.	For Oliver B. Hays.	For Wm. T. Brown.
Mr. Childress—1.	Mr. Cahal	Mr. Speaker Webster
	Graves	Armstrong
	Henderson	Brown.
	Hynds	Craighead
	McGaughey	Gordon
	Reagan	Gray
	Robertson	Johnson
	Vernon—8.	Ledbetter
		Moore
		Morford
		Motley
		Powell
		Rogers
		Totten
		Trousdale—15.

The vote of the House of Representatives being continued and had, and the result announced, the speaker of the Senate declared Wm. T. Brown to be duly and constitutionally elected a judge of the sixth judicial circuit for the State of Tennessee, for the ensuing eight years.

The two Houses proceeded in like manner to the election of a judge for the seventh judicial circuit—Messrs. Mortimer A. Martin and Alexander M. Clayton in nomination. The vote of the Senate was,

For Martin—Mr. Brown, Cahal, Childress, Graves, Ledbetter, Moore, Motley, Rogers, Totten, Trousdale and Vernon—11.

For Clayton—Mr. Speaker Webster, Armstrong, Craighead, Gordon,Gray, Henderson, Hynds, Johnson, McGaughey, Morford, Powell, Reagan, Robertson and Love—14.

The vote of the House of Representatives being continued and had, and the result announced, the speaker of the Senate declared Mortimer A. Martin to be duly and constitutionally elected a judge for the seventh judicial circuit of the State of Tennessee, for the ensuing eight years.

The two Houses proceeded in like manner to the election of a judge for the eighth judicial circuit—Mr. Edmund Dillahunty being in nomination.

The vote of the Senate was,

For Dillahunty—Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon.

The vote of the House of Representatives being continued and had, and the result announced, the speaker of the Senate declared Edmund Dillahunty to be duly and constitutionally elected a judge of the eighth judicial circuit of the State of Tennessee.

The two Houses proceeded in like manner to the election of a judge for the ninth judicial circuit—Mr. John W. Cooke in nomination.

Mr. Gardner nominated John W. Cooke, and on taking the votes, the following gentlemen of the Senate voted for the said John W. Cooke:—Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

The House proceeded to vote; and on the result of the vote of both houses being announced, the speaker of the Senate declared that the said John W. Cooke was duly and constitutionally elected a judge of the circuit courts for the State of Tennessee, for the ninth circuit, for the ensuing eight years.

The two Houses proceeded in like manner to the election of a judge for the tenth judicial circuit—John Reed being in nomination.

The following Senators voted for the said John Reed:

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

The vote being continued by the House of Representatives, and the result announced, the speaker of the Senate declared John Reed to be duly and constitutionally elected one of the circuit court judges of the State of Tennessee, for the tenth circuit, for the ensuing eight years.

The two Houses proceeded in like manner to the election of a judge for the eleventh judicial circuit—Austin Miller, John Brown and David Fentress being in nomination.

Those who voted for Mr. Miller are the following:	For Brown the following:	For Fentress the following:
Messrs. Hynds	Messrs. Webster	Messrs. Childress
Moore	Armstrong	Johnson
Morford	Brown	Totten
Powell	Cahal	Trousdale
Reagan	Craighead	Gray
Robertson	Gordon	Love—6.
Vernon	Graves	
Ledbetter—8.	Henderson	
	McGaughey	
	Motley	
	Rogers—11.	

There being no election, the two Houses proceeded to a second voting—as follows:

For Miller.	For Brown.	For Fentress.
Messrs. Childress	Messrs. Webster	Messrs. Gray
Hynds	Armstrong	Johnson
Ledbetter	Brown	Trousdale
Moore	Cahal	Love—4.
Morford	Craighead	
Powell	Gordon	
Reagan	Graves	
Robertson	Henderson	
Vernon—9.	McGaughey	
	Motley	
	Rogers	
	Totten—12.	

There being no election, the two Houses proceeded to a third voting—Mr. Fentress being withdrawn.

For Miller.	For Brown.
Childress	Mr. Speaker Webster
Gray	Armstrong
Hynds	Brown
Ledbetter	Cahal
Moore	Craighead
Morford	Gordon
Powell	Graves
Reagan	Henderson
Robertson	Johnson
Trousdale	McGaughey
Vernon—11.	Motley
	Rogers
	Totten—13.

The vote of the House of Representatives being continued and had, and the result announced, the speaker of the Senate declared Mr. Austin Miller to be duly and constitutionally elected a judge of the circuit court for the eleventh circuit in this State, for the ensuing eight years.

The two Houses then proceeded to the election of attorneys general—Mr. Thomas A. R. Nelson and John M. Brabson in nomination for the first solicitorial district.

For Thomas A. R. Nelson.	For John M. Brabson.
Motley	Brown
Webster	Childress
Armstrong	Gray
Cahal	Hynds
Craighead	Johnson
Gordon	McGaughey
Graves	Moore
Henderson	Morford
Ledbetter	Rogers
Love	Totten
Reagan	Trousdale
Robertson	Vernon—12.
Powell—13.	

The vote being continued by the House, and the result being announced, the speaker of the Senate declared John M. Brabson to be duly and constitutionally elected attorney general of the first solicitorial district of the State of Tennessee, for the ensuing six years.

The two Houses proceeded in like manner to the election of attorney general for the second solicitorial district—Messrs. Reuben B. Rogers, John H. Crozier and John A. Aikin in nomination. The vote of the Senate stood,

For Reuben B. Rogers.	John H. Crozier.	John A. Aikin.
Webster	Cahal	Childress
Armstrong	Craighead	Reagan—2.
Brown	Gordon	
Graves	Ledbetter	

Gray	Moore
Henderson	Powell—6.
Hynds	
Johnson	
McGaughey	
Morford	
Motley	
Robertson	
Rogers	
Totten	
Trousdale	
Vernon—16.	

The vote of the House of Representatives being continued and had, and the result announced, the speaker of the Senate declared Reuben B. Rogers to be duly and constitutionally elected attorney general for the second solicitorial district, for the ensuing six years.

The two Houses proceeded in like manner to the election of attorney general for the third solicitorial district—Mr. Samuel Frazier in nomination.

The vote of the Senate for Samuel Frazier:

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

The vote of the House of Representatives being continued and had, and the result announced, the speaker of the Senate declared Samuel Frazier to be duly and constitutionally elected attorney general for the third solicitorial district of the State of Tennessee.

The two Houses proceeded in like manner to the election of an attorney general for the fourth solicitorial district—Messrs. John B. McCormack, Napoleon B. Beard and Wm. Owen in nomination. The vote of the Senate was,

For J. B. McCormack.	Napoleon B. Beard.	Wm. Owen.
Armstrong	Webster	Brown
Childress	Cahal	Craighead
Gray	Graves	Gordon
Hynds	Morford	Henderson
Johnson	Reagan	Ledbetter
Love	Rogers	Motley
McGaughey	Vernon—7.	Trousdale—7.
Moore		
Powell		
Robertson		
Totten—11		

There being no election, the two Houses proceeded to a second voting, as follows:

For McCormack.	For Beard.	For Owen.
Armstrong	Webster	Brown
Childress	Cahal	Craighead
Gray	Graves	Gordon
Hynds	Morford	Henderson
Johnson	Powell	Ledbetter
Love	Reagan	Motley
McGaughey	Rogers	Trousdale—7.
Moore	Vernon—8.	
Robertson		
Totten—10.		

THIRD VOTING.

Armstrong,	Webster,	Brown,
Childress,	Cahal,	Craighead,
Gordon,	Graves,	Ledbetter,
Gray,	Hynds,	Motley,
Henderson,	McGaughey,	Trousdale—5
Johnson,	Morford,	
Love,	Powell,	
Moore,	Reagan,	
Robertson,	Rogers,	
Totten—10.	Vernon—10.	

The Convention, after three unsuccessful trials to elect an attorney general for the fourth solicitorial district, adjourned until to-morrow morning, half after 9 o'clock. And thereupon the Speaker and gentlemen of the Senate returned to their own chamber.

And then the Senate adjourned.

WEDNESDAY, 27th JANUARY, 1836.

The hour of half past 9 o'clock having arrived, the Speaker and gentlemen of the Senate repaired to the Hall of the House of Representatives, and thereupon the two Houses resumed the election of attorney general for the fourth district. The votes were given as follows:

For McCormack.	For Beard.	For Owen.
Armstrong,	Webster,	Craighead,
Brown,	Cahal,	Henderson,
Childress,	Graves,	Ledbetter,
Gordon,	McGaughey,	Motley,
Gray,	Morford,	Trousdale—5.
Hynds,	Reagan,	
Johnson,	Rogers,	
Moore,	Vernon— 8.	
Robertson,		
Totten,		
Love—11.		

There being no election, the two Houses proceeded to a fifth voting. Mr. Owen being withdrawn. The vote of the Senate was,

For McCormack—Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Motley, Powell, Robertson, Totten and Trousdale—18.

For Beard—Webster, Graves, McGaughey, Morford, Reagan, Rogers and Vernon—7.

The voting of the House of Representatives being continued and the result announced, the Speaker of the Senate declared John B. McCormack to be duly and constitutionally elected attorney general for the State, for the fourth district, for the ensuing six years.

The two Houses proceeded to the election of attorney general for the fifth district, in like manner, and the voting was as follows: For

Geo. W. Hoover.	Geo. W. Smith.	Samuel Yerger.	T. C. Whiteside.
Webster,	Armstrong,	Brown,	Cahal,
Gray,	Gordon,	Childress,	Graves,
Hynds,		Craighead,	McGaughey,
Ledbetter,		Henderson,	Morford,
Robertson—5.		Johnson,	Powell,
		Moore,	Reagan—6.
		Rogers,	
		Totten,	
		Trousdale,	
		Vernon,	
		Love,	
		Motley—12.	

The names of Messrs. Hoover and Smith being withdrawn, the two Houses proceeded to a second voting as follows:

For Whiteside—Webster, Cahal, Gordon, Graves, Gray, McGaughey, Morford, Powell, Reagan and Robertson—10.

For Yerger—Armstrong, Brown, Childress, Craighead, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Motley, Rogers, Totten, Trousdale and Vernon—15.

The voting being continued in like manner, and the result announced, the Speaker of the Senate declared that Thomas C. Whiteside, Jr. was duly and constitutionally elected attorney general of the State, for the fifth district.

The two Houses proceeded in like manner to the election of attorney general for the sixth solicitorial district. The vote of the Senate was, for

Andrew Hays.	Jos. W. Perkins.	John Trimble.	H. Holinsworth.
Craighead,	Childress,	Armstrong,	Webster,
Gordon,	Henderson,	Graves,	Brown,
Gray,	Ledbetter,	Hynds,	Cahal,—3.
Johnson,	Robertson—4.	McGaughey,	
Totten,		Moore,	
Trousdale,		Morford,	
Love—7.		Motley,	
		Powell,	
		Reagan,	
		Rogers,	
		Vernon—11.	

There being no election, the two Houses proceeded to a second voting, Mr. Perkins being withdrawn; the vote of the Senate was,

For TRIMBLE.	For HAYS.	For HOLLINSWORTH.
Webster	Childress	Brown—1.
Armstrong	Craighead	
Cahal	Gordon	
Graves	Gray	
Hynds	Henderson	
Ledbetter	Johnson	
McGaughey	Love	
Moore	Totten	
Morford	Trousdale—9.	
Motley		
Powell		
Reagan		
Robertson		
Rogers		
Vernon—15.		

The voting of the House of Representatives being continued and had, and the result announced, the Speaker of the Senate declared John Trimble to be duly and constitutionally elected attorney general for the sixth solicitorial district, for the ensuing six years.

The two Houses proceeded in like manner to the election of an attorney general for the seventh solicitorial district, Mr. William K. Turner being in nomination. The vote of the Senate was as follows:

For Mr. TURNER—Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon,—25.

The voting of the House of Representatives being continued and had, and the result announced, the Speaker of the Senate declared William K. Turner to be duly and constitutionally elected attorney general for the 7th solicitorial district, for the ensuing six years.

The two Houses proceeded in like manner to the election of an attorney general for the eighth solicitorial district. Messrs. James H. Thomas, Andrew F. Goff, John R. Wilson and Davis Eastland in nomination. The vote of the Senate was,

For JAS. H. THOMAS	AND. F. GOFF.	JOHN R. WILSON.	DAVIS EASTLAND.
Webster	Childress	Brown	Armstrong
Cahal	Johnson—2.	Powell—2.	Hynds
Craighead			Moore
Gordon			Morford
Graves			Rogers—5
Gray			
Henderson			
Ledbetter			
McGaughey			
Motley			
Reagan			

Robertson
Totten
Trousdale
Vernon
Love—16.

The vote of the House of Representatives being continued and had, and the result announced, the speaker of the Senate declared James H. Thomas to be duly and constitutionally elected attorney general for the 8th solicitorial district, for the ensuing six years.

The two houses in like manner proceeded to the election of an attorney general for the ninth solicitorial district—Messrs. James R. McMeans, John W. Parker, Jamos M. Moore and Isaac N. McCampbell in nomination.

The vote of the Senate was, for

Jas. R. McMeans.	Jno. W. Parker.	Jas. M. Moore.	I. N. McCampbell.
Brown	Ledbetter	Armstrong	Webster
Childress	Powell	Cahal	Graves
Craighead	Robertson—3.	Moore	Trousdale—3.
Gordon		Morford	
Gray		Motley	
Henderson		Reagan	
Hynds		Totten—7.	
Johnson			
Love			
McGaughey			
Rogers			
Vernon—12.			

There being no election, the two Houses proceeded to a second voting—Messrs. Moore and McCampbell being withdrawn.

The vote of the Senate was, for

James R. McMeans.	John W. Parker.
Webster	Armstrong
Brown	Cahal
Childress	Ledbetter
Craighead	Powell
Gordon	Reagan
Graves	Robertson
Gray	Totten—7
Henderson	
Hynds	
Johnson	
Love	
McGaughey	
Moore	
Morford	
Motley	
Rogers	
Trousdale	
Vernon—18.	

The vote of the House of Representatives being continued and had, and the result announced, the speaker of the Senate declared James R. McMeans to be duly and constitutionally elected attorney general for the 9th solicitorial district, for the ensuing six years.

The two Houses proceeded in like manner to the election of an attorney general for the tenth solicitorial district—Messrs. Alexander B. Bradford and Peterson M. Becton in nomination.

The vote of the Senate was, for

A. B. Bradford.	For Peterson M. Becton.
Webster	Armstrong
Brown	Cahal
Childress	Ledbetter
Craighead	Morford
Gordon	Powell
Graves	Totten—6.
Gray	
Henderson	
Hynds	
Johnson	
McGaughey	
Moore	
Motley	
Reagan	
Robertson	
Rogers	
Trousdale	
Vernon—18.	

The voting of the House of Representatives being continued and had, and the result announced, the speaker of the Senate announced that Alexander B. Bradford was duly and constitutionally elected attorney general for the tenth solicitorial district of the State of Tennessee, for the ensuing six years.

The two Houses proceeded in like manner to the election of an attorney general for the eleventh solicitorial district—Mr. Roger Barton in nomination.

The vote of the Senate was, for Barton—Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

The vote of the House of Representatives being continued and had, and the result announced, the Speaker of the Senate declared Roger Barton, to be duly and constitutionally elected Attorney General, for the eleventh solicitorial district, of the State of Tennessee, for the ensuing six years.

And thereupon the Speaker and gentlemen of the Senate returned to their own chamber.

The Senate then adjourned.

THURSDAY, JANUARY 28th, 1836.

On motion of Mr. Henderson, it was ordered that the principal clerk of the Senate, employ Mr. V. M. Campbell, to transcribe the journal of the Senate for the public printer, if he will do the work for four dollars per day.

A resolution from the House of Representatives appointing commissioners to lay off the connties of Coffee and Cannon into justices districts, was taken up, read and concurred in.

A bill to incorporate the President, Trustees & Co., of the Franklin Female Academy, was taken up, read a second time and passed.

A resolution from the House of Representatives, appointing William S. Mooney a commissioner in the room of John Staples to lay off justices' districts in Franklin county, was taken up, read and concurred in.

Mr. Henderson introduced a bill supplemental to an act, passed at the present session of the General Assembly, entitled an act, to establish circuit courts, which was read a first time and passed.

A bill to provide for the election of commissioners for the school lands in Lincoln county, and for other purposes, was taken up, read a second time and passed.

A bill to establish the dividing line between the counties of Robertson and Montgomery, was taken up, read a third time, and the question shall the bill pass, being had thereon, it was determined in the affirmative,—ayes 19, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—19. There being no negative voters.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: The Speaker of the House of Representatives, did this day sign enrolled acts of the following titles, to wit:

An act to incorporate the West Tennessee Male and Female Academies; and an act to incorporate the Oakland Academy in Fayette county, and then he withdrew.

Whereupon, the Speaker of the Senate signed said enrolled acts, and ordered that they be deposited in the office of the Secretary of State.

Mr. Hynds introduced a bill to establish precincts for holding elections in Cade's Cove and Tuckaleechy cove, in Blount county, which was read a first time and passed.

A bill to incorporate the Murfreesboro, Manchester and Winchester turnpike company was taken up, read a second time and passed.

On motion of Mr. Vernon, the Senate took up a bill to establish a treasury department, to prescribe the duties of the treasurer, and to fix his salary.

Mr. Johnson moved to lay the said bill on the table, and make it the special order of the day for Monday next, which motion failed.

Mr. Trousdale moved to refer said bill to the committee on finance, which motion prevailed.

A bill to provide for the appointment of notaries public, was then taken up.

Mr. Reagan moved to strike out the proviso to the first section of the bill, which motion prevailed.

Mr. Cahal moved further to amend the first section of the bill, by striking out the words "joint vote of both Houses of the Legislature," and insert in lieu thereof, "justices of the county court," which was accepted.

Mr. Cahal moved to strike out the fourth section of the bill, which motion prevailed.

The bill was thereupon read as amended a second time and passed.

A bill to incorporate the inhabitants of the town of Sommerville, in the county of Fayette, was taken up, read a first time and passed.

Mr. Armstrong introduced a bill to provide for the electing registers for issuing grants in this State, which was read a first time and passed.

A bill to provide for the sale of Columbia College in Maury county, was taken up, read a second time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have read a third time and passed, a bill from the Senate to amend an act of the General Assembly, passed at Nashville, 19th November, 1833, entitled an act to authorize A. M. Coffee to open a turnpike road, with an amendment thereto, herewith transmitted, in which they ask the concurrence of the Senate. And then he withdrew.

The Senate concurred with said amendment, except the words, "heirs and," with which they non-concur. Ordered that the clerk acquaint the House of Representatives therewith, and ask their concurrence therein.

A resolution from the House of Representatives, authorizing the notes on hand of the Bank of the State of Tennessee, to be burnt, in presence of the committee on Banks; and a resolution calling on the treasurer of East Tennessee for certain information, were severally taken up, read and concurred in.

A resolution from the House of Representatives, continuing Dr. Troost as State Geologist, for the next two years, was taken up, read and concurred in,—ayes 13, noes 9.

The ayes and noes being demanded by Mr. Rogers, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Brown, Cahal, Craighead, Graves, Henderson, Hynds, Ledbetter, Moore, Morford, Powell, Reagan, Totten and Vernon—13.

The negative voters are,

Mr. Speaker Webster, Armstrong, Childress, Gray, Johnson, McGaughey, Robertson, Rogers and Trousdale—9.

A bill concerning divorces, and to regulate the proceedings in suits, which may hereafter be brought in this State in such cases, was taken up.

Mr. Totten offered an amendment to the first section of the bill, which was accepted. The bill as amended, was thereupon read a third time, and the question shall the bill pass, being had thereon, it was determined in the

affirmative—ayes 17, noes 3. The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Childress, Craighead, Graves, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Totten and Vernon—17.

The negative voters are,

Mr. Gray, Rogers and Trousdale—3.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have read a third time and passed, a bill from the Senate to incorporate the inhabitants of the town of Livingston, in the county of Overton, and for other purposes, with sundry amendments thereto, in which they ask the concurrence of the Senate.

And then he withdrew.

The Senate concurred with the said several amendments thereto.

A bill to provide for the holding of courts in the county of Meigs, and for other purposes, was taken up.

Mr. Totten offered an amendment to the bill; which was accepted.

The bill as amended was read a 2d time and passed.

A bill from the House of Representatives to incorporate the Memphis marine and fire insurance company, was taken up, read a first time and passed.

A bill fixing the rate of interest in this State, was on motion of Mr. McGaughey, taken up, and made the order of the day for Monday next.

On motion of Mr. Cahal, the Senate resolved themselves into a committee of the whole, Mr. McGaughey in the chair, upon a bill setting forth the property, real and personal, and the privileges and occupations liable to taxation in this State.

After a short time spent in the consideration of said bill, the committee rose, and the speaker took the chair.

The chairman reported that the committee had instructed him to report the bill without amendment, and to ask that the committee be discharged from the further consideration thereof.

Which was agreed to by the Senate.

The bill was thereupon taken up.

Mr. Powell moved to strike out all that part of the second section from the word "thereto," in the 8th line.

Which motion failed.

Mr. Robertson moved to strike out the words "all dearbons," in the second section of the bill.

Which motion prevailed.

Mr. Henderson moved to strike out of the first section of the bill, the words "all steam boats owned in part or in whole, by any citizen of this State."

And the sense of the Senate being thereon had, it was determined in the affirmative—ayes 13, noes 4.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Rogers, the affirmative voters are,

Mr. Armstrong, Cahal, Childress, Craighead, Graves, Gray, Henderson, Ledbetter, Moore, Morford, Rogers, Totten and Vernon—13.

The negative voters are,

Mr. Speaker Webster, Brown, Hynds, McGaughey, Powell, Reagan, Robertson and Trousdale—8.

Mr. Armstrong moved to strike out of the first section of the bill, the words "between the age of twelve and fifty years."

And the sense of the Senate being had thereon, it was determined in the negative—ayes 5, noes 16.

The ayes and noes being demanded by Mr. Brown, seconded by Mr. Hynds, the affirmative voters are,

Mr. Armstrong, Brown, Henderson, McGaughey and Vernon—5.

The negative voters are,

Mr. speaker Webster, Cahal, Childress, Craighead, Graves, Gray, Hynds, Ledbetter, Moore, Morford, Powell, Reagan, Robertson, Rogers, Totten and Trousdale—16.

Mr. Trousdale moved to strike out of the fourth section of the bill from the word "dollars" in the 41st line, to the word "each," in the 47th line of the same section.

And the sense of the Senate being had thereon, it was determined in the negative—ayes 8, noes 13.

The ayes and noes being demanded by Mr. Henderson and seconded by Mr Robertson, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Graves, Gray, Ledbetter, Moore and Trousdale—8.

The negative voters are,

Mr. speaker Webster, Cahal, Craighead, Henderson, Hynds, McGaughey, Morford, Powell, Reagan, Robertson, Rogers, Totten and Vernon—13.

Mr. Totten offered the following amendment in lieu of all that part of the 4th section in relation to a tax on suits in law and equity, to wit:

"Suits in equity shall pay a tax of two dollars and fifty cents; suits at law in the circuit court shall pay the sum of two dollars and twenty-five cents, which shall be paid by the plaintiff to the clerk at the time of instituting his suit, and if successful, shall recover it over against the defendant; on each appeal or writ of certiorari, from before a justice of the peace, one dollar sixty-two and a half cents, to be paid on the filing the papers in the cause, to the clerk, by the appellant or petitioner, which shall be recovered over against the defendant if the plaintiff be successful; on each indictment or presentment, one dollar; on each appeal, appeal in error, or writ of error from a circuit or chancery court to a supreme court two dollars, to be paid by the party prosecuting the same, at the time of prosecuting said appeal, appeal in error, or writ of error.

Said amendment was rejected.

Mr. Cahal moved to strike out that part of the 4th section of the bill from the word "exhibited" in the 33d line, to the word "each" in the 36th line of the same section.

And the sense of the Senate being had thereon, it was rejected—ayes 2, noes 19.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Reagan, the affirmative voters are,

Mr. Brown and Cahal—2.

The negative voters are,

Mr. speaker Webster, Armstrong, Childress, Craighead, Graves, Gray, Henderson, Hynds, Ledbetter, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—19.

Mr. Brown offered the following as an amendment to the 4th section of the bill, to wit:—Each and every person who may be found using or having in their possession any playing cards, shall be confined in the jail and penitentiary not less than two years nor more than five for such offence.

Said amendment was rejected.

Mr. Cahal offered the following proviso, to come in after the word "exhibited" in the 33d line of the 4th section of the bill, to wit:

"Provided, this act shall not extend to tax any thespian or regular theatrical company."

Said amendment was rejected.

Mr. Hynds moved to strike out the word "fifty" preceding "dollars" in the 33d line of the 4th section, and insert in lieu thereof, "one hundred."

Which motion failed.

Mr. Henderson moved to strike out the word "two" preceding "dollars" in the 61st line of the 4th section of the bill, and insert "one."

Which motion also failed.

Mr. Henderson moved to strike out the words "clerk of the county court" in the 61st line of the 4th section of the bill, and insert in lieu thereof "the collector of the revenue of the county in which application is made for a license, whose receipt shall be filed with the, &c." who shall record the same in a well bound book.

Which motion prevailed.

Mr. McGaughey moved a reconsideration of the vote just taken, adopting the amendment of Mr. Henderson.

Which motion was agreed to.

The amendment of Mr. Henderson was then rejected.

Mr. Vernon offered the following amendment to the 5th section of the bill, after the words "as aforesaid" in the ninth line of said section, to wit:

That each retail merchant, grocer, jeweller, or druggist, or firm of copartners as aforesaid, may at his, her or their establishment, when about to establish his, her or themselves as retailers as aforesaid, in any county in this State, may apply to the clerk of their respective counties, and make the oath before said clerk that he, she or they do not import their goods into this State, nor empower it to be done for them; in that case, it shall be the duty of the clerk to issue a license to such applicant for one year, for the sum of thirty-five dollars; and license shall issue to any retail merchant, grocer, jeweller, or druggist, who imports his, her or their goods into the State, for fifty-five dollars each; and each wholesale commission merchant or auctioneer shall obtain license as aforesaid for one hundred and twenty-five dollars. In all cases the money shall be paid at the time of issuing the license; for which service the clerk shall be entitled to one dollar, to be paid by said applicant.

Said amendment was rejected.

Mr. Brown moved to strike out the proviso to the 12th section. Which motion failed.

Mr. Henderson offered the following amendment, to come in at the end of the 8th section, to wit:

And should said purchaser or purchasers renew or add to his, her or their stock, they shall be required to give bond, and to be governed in all respects by the same laws and restrictions as others pursuing the same business.

Said amendment was rejected.

The bill was thereupon read a second time and passed.

The Senate then adjourned.

FRIDAY, JANUARY 29th, 1836.

The select committee raised to investigate the subject of the arrest and confinement of John Howard Payne by the Georgia Guard, within the jurisdiction of the State of Tennessee, have had under consideration the communication of that gentleman, and also the correspondence between the Governors of Tennessee and Georgia, accompanied by a report and resolutions of the House of Representatives of the State of Georgia, and beg leave to submit the following

REPORT:

Your committee are of opinion that from the facts appearing, no action of the Legislature is necessary on this matter; but that the courts of justice which are alike open to all, are adequate to redress and punish the outrage which has been perpetrated on the person of Mr. Payne. Had the State of Georgia avowed the crime of the Guard an act authorised by that Government or any department of it, your committee would believe that Tennessee owed it alike to her own honor and to every individual (whether citizen or sojourner) who claims the protection of her laws, to adopt such measures as would be adequate to correct the infringement of sovereignty. But fortunately for the friends of order and law, Georgia disclaims all participation in the crime, and reprobates the conduct of the offenders. Her chief magistrate, in reply to the communication of the executive of the State of Tennessee on this subject, holds the following language:

"Be assured, sir, that whilst Georgia is tenacious of her own rights of sovereignty, and will always maintain them with becoming dignity, she is also the last State in the Union, who would knowingly and wilfully trespass on the rights of a sister State.

"The act of which you very justly complain, is not the act of Georgia, but of a few men, who without proper knowledge or reflection, have committed a trespass on the person of Mr. Payne. They had no warrant or authority from any department of the government of Georgia for the act they have done."

He further adds: "Immediately on hearing that Mr. Payne had been arrested within the territory of Tennessee, I communicated the fact to the Legislature, who as you will see by the accompanying preamble and resolu-

sions, have promptly and decidedly condemned the conduct of the Guard, and disclaimed any agency on the part of Georgia."

In the preamble and resolutions above mentioned by Governor Schley, Mr. Clayton, a representative from the county of Clark, has calmly and ably investigated the arrest of Mr. Payne, as well as the constitutionality of the organization of such a force as the late Georgia Guard.

In relation to the first, he says: "Your committee conceive that the Guard transcended their power in crossing the line of the State of Georgia, to arrest an individual out of the State; and your committee believe that it was an act of which the sovereign State of Tennessee has just right of complaint against the authorities of Georgia."

And again: "The fourth article in the amendments to the Federal Constitution is in the following words:—'The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, SHOULD NOT BE VIOLATED: And no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.'

"Your committee cannot conceive why the foregoing article was placed in the Federal Constitution, unless it was to protect the free citizens of the U. States from unnecessary and improper arrest and confinement.

"It appears then to your committee, the Georgia Guard, in the recent arrest of John Howard Payne, tramples under foot the constitution of the United States."

Speaking in relation to the detention of Mr. Payne, after it was ascertained he had committed no offence, Mr. Clayton, in his able report, adds: "In so doing, the Guard have violated every principle of the constitution which guarantees liberty and equal rights to the citizens of this country. They have jeopardised the character and reputation of the State of Georgia abroad, by this act of wanton and uncalled for vandalism; and will bring down upon the people of the State, the inevitable and odious charge of inhospitality and cruelty to the stranger. Your committee conceive therefore, that the State of Georgia can only relieve herself from the obnoxious charges and denunciations that will be made upon her, by a firm, decided and unequivocal disapprobation of the conduct of the Guard in this matter, by the representatives of the people in their legislative capacity."

The report further shows that the establishment of a military force of the nature and character of the Georgia Guard contravenes the tenth section of the second article of the Federal Constitution; which says:—"No State shall, without the consent of Congress, keep troops or ships of war in time of peace."

"Ours," continues the report, "is a government founded upon opinion, and not force. Its laws must be executed by the good order and discretion of the people, and not by the bayonet and the sword."

This report was promptly concurred in, and the accompanying resolutions adopted by the House of Representatives of the State of Georgia.

Such being the aspect of this case, your committee can conceive no necessity for any legislative action in relation to it on the part of Tennessee. The people of Tennessee, in common with the friends of humanity, order and law, every-where, regret the outrage which has been committed on the person of

Mr. Payne, and have manifested an ardent desire to see condign punishment inflicted uoon its perpetrators. In this common feeling of indignation, the government and people of Georgia equally participate with Tennessee.

For so much of the injury as has been inflicted in this State, the offenders can be indicted in her courts, and if they cannot be arrested within the jurisdiction of Tennessee, the committee entertain no doubt, that upon demand being made on the proper department of the government of Georgia, will be surrendered up to the constituted authorities, to be punished according to the laws of the land. For that part of the offence committed in the State of Georgia, from the decisive and firm manner in which her Legislature has condemned and reprobated the offence, they hesitate not to say that her courts will be equally open and prompt to afford redress.

So far as the arrest and confinement of Mr. Payne amounts to a civil injury, (for it is a civil injury as well as a crime), the tribunals of the whole civilized world, whenever he can find the trespassers on his *rights*, are open and ready to redress his *wrongs*.

Under this aspect of the case, with the unanimity of sentiment and feeling which prevails between the governments and people of Tennessee and Georgia on this matter, your committee believe that the courts of justice are fully competent to redress Mr. Payne's *wrongs*, and punish the criminals who have violated his *rights;* and they therefore request to be discharged from the further consideration of the subjebt.

JOHN McGAUGHEY,
Chairman of the Committee.

Said report was read and concurred in.

A bill to incorporate the Murfreesborough, Manchester and Winchester turnpike company, was taken up.

On motion of Mr. Ledbetter, the several blanks in the said bill were filled, the bill as amended read a third time; and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 19, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Reagan, Robertson, Totten, Trousdale and Vernon—19—there being no negative voters.

A resolution from the House of Representatives, appointing James A. Coffin and Samuel M. Johnson court house commissioners for Monroe county, in the room of William Grant and John F. Henderson, removed, was taken up, read and concurred in.

A bill to incorporate the Hiwassee rail road company, was taken up.

Mr. Reagan offered an additional section to the bill; which was accepted. The bill thereupon read a second time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The speaker of the House of Representatives did this day sign an enrolled act to provide for the electing a comptroller of the treasury, and to prescribe his duties. And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled act, and ordered that it be deposited in the office of the Secretary of State.

A bill to provide for the holding elections in Cade's Cove and Tuccaleechy Cove in Blount county, was taken up, read a 2d time and passed.

A bill to provide for the holding of courts in the county of Meigs, and for other purposes, was taken up, read a second time; and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 19, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Trousdale and Vernon—19—there being no voters in the negative.

A bill to extend the corporate limits of the town of Clarksville, was taken up, read a second time and passed.

A bill to incorporate the president, trustees, &c. of the Franklin female academy; and a bill to authorise the sale of Columbia College in Maury county, were severally taken up, read a third time and passed.

On motion of Mr. Moore, the Senate took up a bill to provide for the election of commissioners of the school lands in Lincoln county, and for other purposes.

On motion of Mr. Ledbetter, said bill was referred to the committee on education and common schools.

Mr. Childress moved to take up a bill setting forth the property, real and personal, and the privileges and occupations liable to taxation in this State.

And the sense of the Senate being had thereon, said motion was rejected—ayes 7, noes 13.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Craighead, the affirmative voters are,

Mr. Armstrong, Childress, McGaughey, Moore, Reagan, Trousdale and Vernon—7.

The negative voters are,

Mr. speaker Webster, Brown, Cahal, Craighead, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Morford, Powell, Robertson and Totten—13.

A bill to provide for the electing registers, for the issuing of grants in this State, was taken up, read a 2d time and passed.

On motion of Mr. Trousdale, the Senate took up a resolution heretofore submitted by him, upon the subject of having night sessions.

Mr. Ledbetter moved to amend said resolution by adding thereto, "from and after Monday next."

Which motion prevailed.

Mr. Hynds moved further to amend said resolution, by making it take effect from and after the first day of March next.

Which motion failed.

The question then recurred upon the adoption of the resolution as amended. And the sense of the Senate being had thereon, it was determined in the affimative—ayes 11, noes 7.

The ayes and noes being demanded by Mr. McGaughey, seconded by Mr. Reagan, the affirmative voters are,

Mr. Armstrong, Childress, Gray, Henderson, Ledbetter, McGaughey, Moore, Reagan, Robertson, Trousdale and Vernon—11.

The negative voters are,

Mr. speaker Webster, Graves, Hynds, Johnson, Morford, Powell and Totten—7.

A bill from the House of Representatives, to provide for the removal of the Court House in Humphreys county,

A bill to authorize the issuennce of grants in certain cases.

A bill to incorporate a female academy in the town of Clarksville, in the county of Montgomery.

A bill for the benefit of Wm. Bayless, Surveyor General of the Hiwassee District.

A bill for the relief of tax collectors in certain cases.

A bill to amend an act entitled an act, requiring acts of a public and general nature, to be bound, passed December, 1831.

A bill to amend an act establishing East Tennessee college, and to appoint additional Trustees to the same.

A bill to declare the North and Middle forks of the Obion river, in Weakly county, navigable.

A bill to add additional territory to the county of Humphreys.

A bill to incorporate and charter a turnpike company in Warren county.

A bill to incorporate the Franklin and Columbia turnpike company.

A bill to amend the act incorporating the town of Clarksville, and to increase and extend the powers of the Mayor and Aldermen of said town.

A bill to provide for the appointment of commissioners to take in a list of taxable property and poles, and to define their duties. And,

A bill providing for a general system of internal improvement in this State; all of which were severally taken up, read a first time and passed.

Mr. Armstrong asked, and obtained leave to withdraw, for amendment, a bill making an appropriation of money, to clear out the obstructions in the East fork of Obid river.

A bill supplemental to an act passed at the present session of the General Assembly, establishing Circuit courts, was taken up, read a second time and passed.

Mr. Morford introduced a bill, supplemental to an act passed at the present session of the General Assembly, establishing the county of Coffee, which was read a first time and passed.

Mr. Childress introduced a bill, concerning public highways, which was read a first time and passed.

A bill from the House of Representatives to provide for the election of commissioners for school lands in the counties of Franklin, Warren and Bedford, was taken up, read a first time and passed; and refered, on Mr. Morford's motion, to the committee on education and common schools.

On motion of Mr. Gray, ordered that twenty seven copies of the bill to provide for the appointment of commissioners to take in a list of taxable

property and polls, and to define their duties, be printed for the use of the Senate.

A bill to incorporate the Tennessee and Coosa rail road company, was taken up.

Mr. Graves offered an amendment thereto, filling up the several blanks in the bill, which was accepted; the bill as amended, wss read a third time, and the question, shall the bill pass, being had thereon, it was determined in the affirmative—ayes 19, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Childress, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon,—19. There being no vote in the negative.

Mr. Henderson introduced a bill to provide for the extension of the dividing line between the 11th and 13th surveyors' districts, and the range and section lines of said districts through the Mississippi botton to the East bank of the river, which was read a first time and passed.

A bill to amend the penal laws of this State, was taken up, read a second time and passed.

A bill to provide for the appointment of Notaries Public, was taken up.

Mr. Craighead moved to strike out justices of the county courts, and insert judges of the circuit courts Said motion was rejected.

Mr. Reagan moved a reconsideration of the vote just taken, rejecting the motion of Mr. Craighead, which motion failed.

Mr. Johnson moved to strike out justices of the county courts, and insert by joint vote of the General Assembly, and the sense of the Senate being thereon had, it was rejected—ayes 9, noes 13.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Speaker Webster (then on the floor,) the affirmative voters are,

Mr. Speaker Webster, Armstrong, Craighead, Gray, Hynds, Johnson, Ledbetter and Morford—9.

The negative voters are,

Mr. Brown, Childress, Graves, Henderson, McGaughey, Moore, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—13.

Mr. Hynds moved to strike out "justices of the county court," and insert in lieu thereof "the Governor of the State."

Which motion was rejected.

Mr. Johnson moved to strike out "justices of the county court," and insert "by joint resolution of the General Assembly."

And the sense of the Senate being had thereon, it was determined in the negative—ayes 8, noes 12.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Vernon, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Craighead, Hynds, Johnson, Ledbetter, Morford and Powell—9.

The negative voters are,

Mr. Childress, Graves, Gray, Henderson, McGaughey, Moore, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—12.

The bill was thereupon read a third time; and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 15, noes 6.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Graves, Gray, Henderson, Ledbetter, McGaughey, Moore, Reagan, Robertson, Rogers, Trousdale and Vernon—15.

The negative voters are,

Mr. Craighead, Hynds, Johnson, Morford, Powell and Totten—6.

And then the Senate adjourned.

SAURDAY, JANUARY 30th, 1836.

Mr. Ledbetter from the committee on enrollments, reported as correctly enrolled, a resolution calling on the reporter of the State for certain information.

Whereupon the speaker signed said enrolled resolution, and ordered that it be transmitted to the House of Representatives.

A bill to provide for the electing of registers for the issuing of grants in this State, was taken up, read a third time and passed—ayes 18, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, McGaughey, Moore, Powell, Reagan, Robertson, Totten and Vernon—18. There being no negative voters.

A bill to establish precincts for holding elections in Cade's Cove and Tuckaleechy Cove in Blount county, was taken up, read a third time and passed.

A bill to add additional territory to the county of Humphreys, was taken up, read a 2d time and passed.

A bill to incorporate the town of Somerville, was taken up, read a third time and passed.

A bill supplemental to an act passed at the present session of the General Assembly, entitled an act to establish two circuit courts, was taken up, read a third time and passed.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the several amendments proposed by the Senate to the bill to authorise the several county courts in this State to grant the privilege of building bridges, mill dams, and such other local and private improvements as are contemplated by the 7th and 8th sections of the 11th article of the constitution of the State of Tennessee. They concur in said amendments, except the amendment constituting the 12th section of the bill, and the amendment to the

6th section proposing to strike out the word "fifty" and to insert in lieu thereof, the word "twenty-five," with which they non-concur.

And then he withdrew.

On motion of Mr. Hynds, the Senate receded from the amendments to said bill non-concurred in by the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives therewith.

A bill concerning public highways, was taken up, read a second time and passed.

A bill to provide for the extension of the line dividing the 11th and 13th surveyors' districts, and the range and section lines of said districts through the Mississippi bottom to the east bank of the river; and a bill to regulate turnpike roads and toll-bridges, and to make the proprietors and keepers thereof liable to indictment and presentment as overseers of public roads.

Both of which were severally taken up, read a 2d time and passed.

A bill to authorise the issuance of grants in certain cases, was taken up.

Mr. Totten offered additional sections to the bill as an amendment thereto, which was accepted, the bill as amended read a 2d time and passed.

A bill to incorporate the Hiwassee rail road company, was taken up, read a third time; and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 19, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Cahal, Childress, Graves, Gray, Henderson, Hynds, Ledbetter, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Totten and Vernon—19.

The negative voter is, Mr. Trousdale—1.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have read and passed a third time, a bill from the Senate giving further time to the commissioners appointed by this General Assembly to locate the county site of Lauderdale county, and for other purposes, with an amendment thereto herewith transmitted, in which they ask the concurrence of the Senate.

And then he withdrew.

The proposed amendment was on motion of Mr. Henderson, taken up and read.

Mr. Totten offered the following amendment to the proposed amendment of the House of Representatives, to wit:

"That the citizens of the county of Lauderdale and the property thereof, which was stricken from the county of Dyer, shall pay their proportion of the county debt of the county of Dyer, which was due at the time of the passage of the law establishing the county of Lauderdale.

Said amendment was rejected.

The question then recurred upon concurring with the amendment proposed by the House of Representatives to said bill. And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 11, noes 7.

The ayes and noes being demanded by Mr. Totten, seconded by Mr. Johnson, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Gray, Henderson, McGaughey, Moore, Powell, Robertson and Vernon—11.

The negative voters are,

Mr. Craighead, Graves, Johnson, Morford, Reagan, Totten and Trousdale—7.

Mr. Vernon introduced a bill for the relief of the county of Meigs; which was read a first time and passed.

A bill from the House of Representatives to establish a treasury department, to prescribe the duties of the treasurer and to fix his salary, was taken up, read a first time and passed.

The Senate then adjourned.

MONDAY, FEBRUARY 1st, 1836.

Mr. Craighead from the committee on enrollments, reported as correctly enrolled, acts of the following titles, to wit: An act to incorporate the inhabitants of the town of Livingston in the county of Overton, and for other purposes; an act to amend an act of the General Assembly, passed at Nashville, on the 19th day of November, 1833, entitled an act to authorise A. M. Coffee to open a turnpike road; an act to incorporate a female academy on Little Harpeth in Williamson county, by the name of Elm-wood Academy; an act to change the place of holding courts in Coffee county, and for other purposes; and an act supplemental to an act passed at the present session of the General Assembly, extending the limits of the corporation of the town of Franklin in Williamson county.

The speaker signed said enrolled acts, and ordered that they be transmitted to the House of Representatives.

Mr. Johnson from the committee on claims, made the following report, viz:

Your committee, to whom was referred the memorial of John C. McLemore, have had the same under consideration, and beg leave to report, that the records mentioned in the memorial, your committee are satisfied, ought to be owned by the State; they are of great public utility to the country. Many of the land titles of the State of Tennessee depend upon them, or a copy of them, and but for the indefatigable industry and perseverance of the memorialist, the State would have been compelled to have procured copies from the State of North Carolina for the benefit of her citizens.

Your committee could not recommend the passage of a law making an appropriation for the purchase of the books, without first knowing the price for which they could be procured; and would therefore recommend the adoption of the following resolution:

Resolved, by the General Assembly of the State of Tennessee, That a joint committee of two be appointed to ascertain for what the books spoken

of in the memorial can be purchased from the memorialist or his agent, and that they report accordingly.

All of which is submitted.

W. B. JOHNSON,
Chairman Committee on Claims.

Said report was concurred in and the resolution adopted.

Mr. Hynds introduced a bill supplemental to an act passed 30th January, 1836, entitled an act to authorise the several county courts in this State to grant the privilege of building bridges, mill dams, and such other local or private improvements as are contemplated by the 7th and 8th sections of the 11th article of the constitution of Tennessee.

Which was read a first time and passed.

Mr. Johnson introduced a bill to incorporate the Nashville marine, fire insurance and life and trust company.

Mr. Totten a bill to establish the forked deer turnpike company; and a bill to authorise the building a bridge and causeway across the middle fork of forked deer.

All of which were severally read a first time and passed.

Mr. Johnson submitted the following preamble and resolutions:

Whereas, the Government of the United States of America had, heretofore, under a system of the most despotic and arbitrary regulations of the French Government, suffered for many years the most wanton and cruel destruction of the property of her citizens, whilst floating on the ocean, the common high-way of all civilized nations, under the fullest sanction of national law; And whereas the government and people of the United States, in tender recollection of the many invaluable services rendered to them by the French nation in times of difficulty, and whilst they were struggling for their liberty and national independence, had for a long time forborne to press any indemnification for spoliations there committed upon the property of her citizens, and more especially when her ancient ally and friend was pressed by her sister nations in Europe, did the American government forbear to urge the recognition and payment of her just claims; which at that time might have proved more than onerously serious to her; and whereas, after the government of France was supposed to have recovered from the demand thus urgently pressed upon her by the different powers of Europe, when she had thus finally settled all those claims, the American Government in the most friendly and courteous manner called on her for a recognition, and reparation for injuries done to her seamen whilst floating on the bosom of the ocean, which call was responded to by the French Government in the most friendly and amicable manner, in the stipulations of a treaty, made and entered into on the 4th day of July, 1831, by which she acknowledged to be due the government of the United States the sum of twenty-five millions of francs, which treaty has been formally and officially ratified by France and the United States; and ever since that period, by all the departments of her government has acknowledged the validity of our claims, and the obligation of the treaty, and has appropriated the monies which are necessary to its execution; and whereas by the reason of the non-fulfilment of the treaty thus solemnly made, the President of the United States deemed it to be his duty under the provisions

of our constitution, at the last session of Congress, to lay all the matters and things pertaining to said dispute between the two governments before that body, with such recommendations as to him seemed proper; and whereas the government of France has seen proper and fit to consider this act of constitutional duty on the part of the President as offensive in its terms to her good character and faith; and whereas the government of France has thought proper to withhold payment of the money acknowledged by her in the most solemn manner of a treaty to be due, unless the President of the United States shall tender such an apology to France as her government may dictate; and whereas in the language of the President, this pretension is rendered the more unreasonable from the fact that the substance of the required explanation has been repeatedly and voluntarily given before it was insisted on as a condition, a condition the more humiliating because it is demanded as an equivalent of a pecuniary consideration: "Does France desire only a declaration that we had no intention to obtain our rights by an address to her fears rather than her justice, she has already had it frankly and explicitly given by our Minister accredited to her government, and his act ratified by me, and my confirmation of it officially communicated by him in his letter to the French minister of foreign affairs, of the 25th April, 1835, and repeated by my public approval of that letter, after the passage of the bill of indemnity. Does France want a degraded, servile repetition of this act, in terms which she may dictate, and which will involve an acknowledgment of her assumed rights—to interfere in our domestic councils—she will never obtain it."—The spirit of the American people, the dignity of the Legislature, and the firm resolve of their executive government forbid it; and whereas, the President in his special message of January 15th, 1836, has recommended certain measures to the Congress of the United States now assembled, retaliatory of the course of the French Government: Therefore,

Resolved, by the General Assembly of the State of Tennessee, That the people of the State of Tennessee can never cease to feel towards the people of France the most lively gratitude, and the sincerest good wishes for their independence and happiness.

Resolved, That we value the high boon conferred upon us by the blood and treasure of our ancestors too highly to commit it to the keeping of any foreign government or people upon earth.

Resolved, That we never can submit, as a nation, to have the domestic communications between the different departments of our government made the subject of controversy with any foreign government whatever.

Resolved, That in the communication of the President of the United States to congress, touching our affairs with France, he has done no more than his duty; and this General Assembly can perceive nothing in the terms used by him which were not fully justified by the facts of the case.

Resolved, That this General Assembly does most cordially approve the measures of the Executive of the United States in relation to our French affairs; and that it hereby offers a pledge of its faith to maintain any constitutional measures that may be necessary to defend the honor and interest of the United States, in any event that has or may arise between the governments.

Resolved, That we approve most heartily of the sentiment used by the President in his message of December, 1835, when he says, "the honor of my country shall never be stained by any apology from me for the statement of truth and the performance of duty, nor can I give any explanation of my official acts, except such as is due to integrity and justice, and consistent with the principles on which our institutions are founded. This determination will, I am confident, be approved by my constituents. I have indeed studied their character to but little purpose, if the sum of twenty-five millions of francs will have the weight of a feather in the estimation of what appertains to their national independence; and if unhappily a different impression should at any time obtain, in any quarter, they will I am sure, rally round the government of their choice with alacrity, and immediately silence forever the degrading imputations."

Mr. Moore submitted the following:

Resolved, That our Senators in Congress be instructed and our representatives requested to co-operate with the President of the United States in carrying into effect such measures as may be necessary for the maintainance of our rights, and the protection of our national honor.

Received from his Excellency the Governor, by Luke Lea, Esq. Secretary of State, the following communication, to wit:

EXECUTIVE OFFICE,
Nashville, February 25, 1836.

Gentlemen of the Senate,
and of the House of Representatives:

I herewith submit to your consideration the preamble and resolutions adopted by the Legislature of the State of Georgia at their late session, on the movements of the Abolitionists of the North.

Also the preamble and resolutions of the Legislature of said State on the subject of the rail road communication between the valleys of the Ohio and Mississippi, and the southern Atlantic coast,

Signed NEWTON CANNON.

On motion of Mr. Cahal, the document referred to in the first paragraph of the above message was referred to a select committee of three.

The chair appointed Messrs. Cahal, Trousdale and Johnson to be of said committee.

On motion of Mr. Robertson, that document referred to in the latter paragraph of the message was referred to the committee on internal improvement.

A bill to establish a treasury department, to prescribe the duties of the treasurer, and to fix his salary, was taken up.

Mr. Gray moved to strike out the provision to the 13th section of the bill.

Which motion failed.

On motion of Mr. Cahal, the Senate reconsidered the vote just taken, rejecting the motion of Mr. Gray.

The motion of Mr. Gray was then agreed to and the proviso stricken out.

Mr. Robertson moved to strike out "fifteen hundred dollars," for the purpose of inserting "twelve hundred dollars."

And the sense of the Senate being had thereon, it was rejected—ayes 7, noes 14.

The ayes and noes being demanded by Mr. Robertson, seconded by Mr. Rogers, the affirmative voters are,

Mr. Armstrong, Henderson, Hynds, Love, Reagan, Robertson and Totten —7.

The negative voters are,

Mr. speaker Webster, Cahal, Childress, Craighead, Graves,Gray, Johnson, Ledbetter, Moore, Morford, Powell, Rogers, Trousdale and Vernon—14.

The bill was then read a 2d time and passed.

A bill to regulate turnpike roeds and toll-bridges, and to make the proprietors or keepers thereof liable to indictment as overseers of public roads, was taken up, read a third time. And the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 20, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Cahal, Childress, Craighead, Graves, Gray, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—20. There being no voters in the negative.

A bill fixing the rate of interest in this State, was taken up.

Mr. Gray moved to strike out of the 4th section of the bill, the words "as well of the legal interest."

And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 14, noes 7.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Reagan, the affirmative voters are,

Mr. speaker Webster, Childress, Craighead, Graves, Gray, Johnson, Ledbetter, Love, Moore, Morford, Robertson, Rogers, Totten and Trousdale—14.

The negative voters are,

Mr. Armstrong, Cahal, Henderson, Hynds, Powell, Reagan and Vernon —7.

Mr. Totten offered the following amendment to said bill, as an additional section thereto, to wit:

Section 9. Be it enacted, that any rate of interest not exceeding ten per cent per annum on the hundred dollars may be taken: Provided, that the rate thereof is expressed in the face of the instrument, binding the party to the payment of the principal sum.

On motion of Mr. Totten, said bill and amendment were ordered to the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have read a third time and passed, a bill from the Senate providing for the compensation of the members and officers of the General Assembly, with sundry amendments thereto, herewith transmitted, in which they ask the concurrence of the Senate.

And then he withdrew.

The question was taken on the first amendment of the House of Repre-

sentatives to said bill, proposing to strike out "five dollars" as the pay of the speakers of the two houses of the Legislature, and insert in lieu thereof, "six dollars;" and non-concurred in—ayes 4, noes 14.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Johnson, the affirmative voters are,

Mr. Cahal, Childress, Johnson and Trousdale—4.

The negative voters are,

Mr. Speaker Webster, Armstrong, Gordon, Gray, Ledbetter, Love, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Totten and Vernon —14.

The question was then taken on the second proposed amendment of the House of Representatives to said bill, by striking out all that part thereof as relates to the pay of the clerks and door-keepers; and non-concurred in—ayes 9, noes 10.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Morford, the affirmative voters are,

Mr. Armstrong, Childress, Gordon, Gray, Johnson, Morford, Reagan, Trousdale and Vernon—9.

[The negative voters are not inserted in the original Journal.]

Mr. Powell moved a re-consideration of the vote just taken.

Which motion failed.

Mr. Cahal moved to amend the third amendment of the House of Representatives to said bill, by striking out $2000, as the salary of the Governor, for the purpose of inserting $2500.

Which motion was rejected.

Mr. Cahal moved further to amend said proposed amendment, by striking out $800, as the salary of the Secretary of State, for the purpose of inserting one thousand dollars.

Which motion was also rejected.

The third proposed amendment was then concurred in by the Senate.

Ordered, That the clerk acquaint the House of Representatives therewith.

A bill to provide for a general system of internal improvement in the State of Tennessee, was taken up.

Mr. Trousdale offered the following amendment thereto, to wit:

Section That the Governor of the State is authorised and required to subscribe in behalf of the State, for one hundred thousand dollars of the capital stock of the Gallatin turnpike company, incorporated for the purpose of laying off and constructing a McAdamized turnpike road from Nashville by Gallatin to the Kentucky line, at the most eligible point in the direction from Gallatin to Glasgow: Provided, that said Gallatin turnpike company will agree to extend a branch of their road to the Kentucky line at the most eligible point in the direction from Nashville to Louisville in Kentucky.

Sec. Be it enacted, That as soon as the President and Directors of said turnpike company shall notify the Governor that the first instalment of capital stock has been paid in by the individual stockholders, it shall be the duty of the Governor, and he is hereby required to execute on behalf of the State, bonds payable to the President and Directors of the Gallatin turnpike company, to the amount of the first instalment of the stock subscribed by the

State aforesaid. The said bonds to be signed by the Governor, officially, and countersigned by the Secretary of State, with the seal of the State affixed, and payable in twenty-five years from the execution thereof, to the President and Directors of the Gallatin turnpike company, and bearing an interest of five and one quarter per centum per annum; the interest to be payable semi-annually, at the office of the Treasurer of the State—and for all subsequent instalments, he shall in the same manner execute the bonds of the State. The aforesaid bonds the Governor shall deliver to the President and Directors of the Gallatin turnpike company, in full payment for the stock as aforesaid subscribed: Provided, said company shall agree and stipulate to pay the interest semi-annually as the same shall accrue: Provided, also, the interest so paid on the bonds of the State by the said company, together with five per centum per annum interest on the amount so paid, shall be deducted from the dividends of the nett profits to which the State will be entitled on her stock, as the same may be declared.

Sec. Be it enacted, That until the redemption of said bonds, the dividends of nett profits declared on the stock of the State, (except so much as shall have been applied to the payment of the interest as above set forth,) shall be regularly paid to the Treasurer of the State, to be applied to the redemption of said bonds.

And the sense of the Senate being had on said amendment, it was rejected —ayes 5, noes 18.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Love, the affirmative voters are,

Mr. speaker Webster, Brown, Craighead, Gordon and Trousdale—5.

The negative voters are,

Mr. Armstrong, Cahal, Childress, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Rogers, Totten and Vernon—18.

Mr. Johnson offered the following amendment as an additional section to the bill, to wit:

Be it enacted, That the Governor of the State is authorised and required to subscribe in behalf of the State for the capital stock in the Clarksville and Russellville rail-road company, to the amount of one hundred thousand dollars; and forthwith execute notes for the same, under the rules and regulations that the first section of this act requires him to subscribe stock and execute bonds for stock in the New Orleans and Nashville rail-road company.

And the sense of the Senate being had on said amendment, it was determined in the negative—ayes 8, noes 14.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Hynds, the affirmative voters are,

Mr. speaker Webster, Brown, Craighead, Gordon, Graves, Johnson, Totten and Trousdale—8.

The negative voters are,

Mr. Armstrong, Cahal, Childress, Gray, Henderson, Hynds, Ledbetter, Love, McGaughey, Moore, Powell, Robertson, Rogers and Vernon—14.

Mr. Totten offered the following amendment as an additional section to the bill, to wit:

That the sum of fifty thousand dollars is hereby appropriated to the clearing out the rivers Obion and Forked Deer, to be paid by the State bond, executed by the Governor under the rules and regulations in the first section in the bill.

Said amendment was rejected.

Mr. Love moved to amend said bill by inserting in the ninth section, the words "at the mouth of Sandy."

Which motion prevailed.

Mr. Armstrong moved to amend the 5th section of the bill, by inserting after the words "from Nashville" in the fourth line, "thence eastwardly, in a direction to Abingdon, Virginia."

Which was accepted.

The question then recurred upon the passage of the bill upon its second reading. And the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 15, noes 10.

The ayes and noes being demanded by Mr. Moore, seconded by Mr. Johnson, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Gordon, Graves, Henderson, Hynds, Love, McGaughey, Powell, Reagan, Robertson, Rogers and Vernon—15.

The negative voters are,

Mr. Childress, Craighead, Gray, Johnson, Ledbetter, Moore, Morford, Motley, Totten and Trousdale—10.

A bill to establish the county of Bradley, was taken up, and on motion of Mr. Johnson, it was made the order of the day for Wednesday the 10th inst.

A bill to prescribe the duties and define the jurisdiction of justices of the peace, was taken up.

Mr. Gray moved to amend the second section of the bill, by inserting after the word in the line of said section, the words "whether due by note, obligation or assumpsit."

Which was accepted.

Mr. Gray moved to amend the 4th section of the bill, by inserting after the word "them" in the second line, "or before the justice who may have possession of the original judgment, as the case may be."

Which was accepted.

Mr. Armstrong moved to amend said bill, by striking out of the eleventh line of the 7th section, the word "fifty," for the purpose of inserting twenty-five."

Which motion prevailed.

Mr. Cahal moved to strike out the ninth section of the bill. And the sense of the Senate being had thereon, it was determined in the negative—ayes 8, noes 16.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Henderson, the affirmative voters are,

Mr. Armstrong, Cahal, Henderson, Hynds, Moore, Motley, Totten and Trousdale—8.

The negative voters are,

Mr. speaker Webster, Brown, Childress, Gordon, Graves, Gray, Johnson,

Ledbetter, Love, McGaughey, Morford, Powell, Reagan, Robertson, Rogers and Vernon—16.

Mr. Hynds moved to strike out of the 10th section of the bill, "one day," for the purpose of inserting "two days."

Which motion prevailed.

Mr. Cahal moved a re-consideration of the vote just taken on Mr. Hynds' motion to strike out one day for the purpose of inserting two days.

Which motion failed.

Mr. Hynds moved further to strike out of the 10th section of the bill, the words "dissatisfied therewith."

Which motion prevailed.

Mr. Cahal moved to amend the 10th section of the bill by striking out the word "entire," and after the one on which the judgment was rendered, in the 3d, 4th and 5th lines of said section.

Which motion prevailed.

Mr. Trousdale moved to strike out the 10th section of the bill.

Said motion was rejected.

Mr. Cahal moved to strike out the words "and justice of any county court" in the 2d and 3d lines of the 14th section of the bill; and also the words "and a justice of the county court" in the 9th line of the same section.

Which motion prevailed.

Mr. Totten moved to strike out the 16th section of the bill. But before any final action of the Senate was had thereon, the Senate adjourned till to-morrow morning half after nine o'clock.

TUESDAY, FEBRUARY 2d, 1836.

Mr. Ledbetter from the committee on enrollments, reported as correctly enrolled, acts of the following titles, to wit:—An act to improve the navigation of the French Broad and Obion rivers; and an act giving further time to the commissioners appointed by the General Assembly to locate the county site of Lauderdale county, and for other purposes.

The speaker signed said enrolled acts, and ordered that they be transmitted to the House of Representatives.

On motion of Mr. Cahal, the Senate took up the report of Miller Francis, Treasurer of East Tennessee, in answer to a resolution of the General Assembly in relation to the amount of money due from the purchasers of land in the Hiwassee District.

The report being read, on motion of Mr. Cahal, it was referred to the committee on education and common schools.

Mr. Gordon returned a bill withdrawn by him for amendment, to add additional territory to the county of Humphreys, with an amendment thereto in lieu of the second section. Which was accepted.

He also proposed to amend said bill by adding the name of Henry Luton as one of the commissioners mentioned in the 6th section of the bill.

Which was also accepted.

The bill as amended was thereupon read a third time. And the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 19, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Cahal, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—19. There being no voters in the negative.

The Senate took [up] the unfinished business of yesterday, it being the bill to prescribe the duties and define the jurisdiction of justices of the peace.

Mr. Totten's motion to strike out the 16th section of the bill being first in order, the sense of the Senate being had on said motion, it was rejected—ayes 5, noes 17.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Trousdale, the affirmative voters are,

Mr. Cahal, Henderson, Hynds, Motley and Totten—5.

The negative voters are,

Mr. speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Ledbetter, Love, McGaughey, Moore, Morford, Powell, Reagan, Robertson, Trousdale and Vernon—17.

Mr. Hynds offered an amendment, to come in at the end of the twelfth section. Which was accepted.

Mr. Totten offered the following amendment as an additional section to the bill, to wit:

Be it enacted, that this act shall not go into operation until the first day of May next, and so much of the act reorganizing the county court as prescribes that said act shall go into operation on the first day of March next, is hereby repealed, and said act shall go into operation on the first day of May next.

Mr. Armstrong offered an amendment in lieu of the amendment of Mr. Totten, which was rejected.

Mr. Armstrong moved to refer said bill and amendment to a select committee; and the sense of the Senate being thereon had, it was rejected, ayes 8, noes 16.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Hynds, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Henderson and Moore—8.

The negative voters are,

Mr. Craighead, Graves, Gray, Hynds, Ledbetter, Love, McGaughey, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—16.

The question then recurred upon the amendment of Mr. Totten; said amendment was rejected.

Mr. Gray moved to strike out of the fifth section of the bill from the word "the," in the sixth line of said section, to the word "justice" in the tenth

line thereof, and insert the words "justice who may have the possession of the original judgment who;" which motion prevailed.

Mr. Ledbetter moved to amend the ninth section of the bill, by inserting after the word "resides," in the 4th line of said section, the following, to wit: "or the nearest justice of the peace to the defendant's residence in one of the adjoining districts."

Mr. Reagan offered the following amendment in lieu of the one offered by Mr. Ledbetter, which is as follows, to wit: "or before a justice of the peace in an adjoining district;" which motion was rejected.

The amendment of Mr. Ledbetter was then adopted.

Mr. Childress moved to amend said bill by adding thereto an additional section, which was accepted.

The bill was thereupon read as amended a third time; and the question, Shall the bill pass? being had thereon, it was determined in the affirmative —ayes 13, noes 11.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Brown, Childress, Gordon, Graves, Gray, Hynds, Love, McGaughey, Morford, Robertson, Rogers and Vernon—13.

The negative voters are,

Mr. Armstrong, Cahal, Craighead, Henderson, Ledbetter, Moore, Motley, Powell, Reagan, Totten and Trousdale—11.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled act to incorporate the town of Somerville; he did also sign the following enrolled resolutions, to wit: a resolution continuing Dr. Troost geologist for the state; a resolution authorizing the notes on hand of the Bank of the State of Tennessee, to be burned, and a resolution appointing Jomes A. Coffin and Samuel M. Johnson commissioners for the court house in Madisonville; and then he withdrew.

Whereupon the Speaker of the Senate signed said enrolled act and resolutions, and ordered that they be deposited in the office of the Secretary of State.

A bill to provide for a general system of internal improvement in this state was taken up, and, on motion of Mr. Henderson. it was referred to the committee on internal improvement, with instructions to report thereon on or before Thursday the 4th instant.

A resolution from the House of Representatives appointing Thomas Jarnegan and James Pullim commissioners to lay off the county of Dickson into justices districts, was taken up, read and concurred in.

A resolution from the House of Representatives requesting the Executive of the State to open a correspondence with the Executive of the State of Mississippi, on the subject of the boundary line between the two States, was taken up, read and concurred in.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives adhere to their amendments to a bill to ascertain the compensation of the members and officers of the general assembly, which was non-concurred in by the Senate. And then he withdrew.

The Senate again non-concurred with said proposed amendments.

On motion of Mr. Ledbetter, a committee of conference was appointed on the part of the Senate, on said proposed amendment to said bill on the part of the House of Representatives, and non-concurred in by the Senate. The Chair appointed Mr. Ledbetter, Rogers and Cahal, to be of said committee on the part of the Senate. Ordered that the clerk acquaint the House of Representatives therewith.

A bill to provide for the electing registers for the issuing of grants in this State, was taken up, together with the proposed amendment of the House of Representatives to said bill.

Mr. Craighead moved to amend the amendment of the House of Representatives, by striking out "register's office at Nashville and at Knoxville," in the section of said amendment, and insert in lieu thereof, "in the office of the Secretary of State," which motion prevailed.

Mr. Gordon moved a reference of said bill and proposed amendments to the committee on land claims, which motion failed.

The amendment of the House of Representatives as amended was then concurred in. Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A resolution from the House of Representatives authorising the Secretary of State to adjudicate land warrant No. 257, was taken up, read and non-concurred in.

A bill to establish a Treasury department, to prescribe the duties of the treasurer, and to fix his salary, was taken up.

Mr. Cahal moved to amend the sixth section of the bill, by striking out the words "on his own account or as assignee," and also out of the same section, the words "or assignors," which motion prevailed.

The bill was then read as amended a third time, and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 15, noes 7.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Graves, Gray, Hynds, Johnson, Ledbetter, Moore, Morford, Rogers, Trousdale and Vernon —15.

The negative voters are,

Mr. Henderson, Love, McGaughey, Motley, Reagan, Robertson, and Totten—7.

A bill to abolish the present surveyor's office south and west of the congressional reservation line, and to establish county offices in lieu thereof, was taken up, read a second time and passed.

Mr. Armstrong submitted the following:

Resolved that the Senate meet the House of Representatives in their Hall

on Saturday next, for the purpose of electing registers for the different land offices in this State.

Mr. Cahal submitted the following:

Resolved that the committee on internal improvement, to which has been been referred a bill from the House of Representatives directing the Governor to subscribe stock to the amount of $500,000, in the New Orleans and Nashville rail road, in the Western rail road company $300,000, in a company to be chartered, to construct a rail road from the New Orleans and Nashville rail road to the Eastern limits of the State $1,500,000, in a rail road connecting East Tennessee with Charleston, South Carolina, $750,000, in a rail road from Paris to the Mississippi river $300,000, and in the Mississippi and Atlantic rail road company $300,000, making in all $3,650,000, and to issue the bonds of the State, payable in the period of twenty-five years, and bearing interest, payable semi-annually, at the rate of five and one quarter per cent, are hereby instructed to report a bill making provision, that in all incorporated companies for works of internal improvement, to be made in this State, whenever two-thirds of the stock shall be subscribed by individuals or companies, and the same secured, it shall be the duty of the Governor to subscribe, on behalf of the State, for the remaining third, and to issue the bonds of the State in payment of the same, under the limitations, terms and conditions contained in the bill from the House of Representatives.

Mr. Cahal moved a suspension of the rule requiring resolutions to lie one day on the table, which motion failed.

A bill to appoint commissioners to take a list of taxable property and polls and to define their duties, was taken up.

Mr. Childress moved to strike out the word "May" in the second line of the first section, and insert in lieu thereof, the word "April;" which motion failed.

Mr. Gray moved to amend the fifth section of the bill, by striking out of the fourth line the words "tenth day of January last past," and insert "January in every year;" which motion failed. Mr. Trousdale moved to amend said section by striking out of the fourth line thereof the words "last past," and insert in lieu thereof "each and every year," which motion also failed.

Mr. Hynds moved to amend said section by inserting the word "then" between the words "January" and "last," in the fourth line of said section; which motion prevailed. Mr. Cahal moved to strike out "fifty cents," in the ninth line of the eighth section, and insert in lieu thereof "one dollar;" which motion failed.

Mr. Hynds moved to strike out the twelfth section of the bill; which motion was rejected.

Mr. Gray offered an amendment in lieu of the twelfth section of the bill; said amendment was rejected.

Mr. Childress moved to strike out "fifty cents," in the third line of the 18th section, and insert in lieu thereof, "one dollar," which motion prevailed.

Mr. Armstrong moved to strike out "Tuesday," whenever it occurs in the 4th section, and insert "Friday," which motion prevailed.

Mr. Gray moved to amend the first section of the bill, by striking out all that part of the first section of the bill from the word "appointed," in the

eighth line thereof, and insert in lieu thereof the following, to wit: "which commissioners, before entering upon the duties of their office, shall, before the clerk of the county court of the county, take the following oath, to wit: "I, A. B. do solemnly swear, or affirm, as the case may be, that I will well and truly take in a list of taxable property and polls that may come to my knowledge in district No. agreeable to law and the instructions of the comptroller of the treasury, and that I will use all lawful ways and means within my power to find out and list such property and polls liable to taxation within said district No. as may not be returned to me for taxation, and that all valuation of property by me made, shall be done faithfully, justly and truly, according to the best of my skill and judgment, and that I will do equal and impartial justice to the public and individuals—so help me God." Which oath shall be subscribed and recorded by the clerk of the county court. Said amendment was rejected.

Mr. Speaker Webster, then on the floor, moved to amend the 13th section of the bill by adding to said section the following: "to be paid out of the state treasury;" which motion failed.

Mr. Graves moved to amend said 13th section by adding to the end thereof the following, to wit: "to be paid out of the county treasury;" which motion prevailed.

The bill was read as amended a second time and passed.

A bill from the House of Representatives to provide for the appointment of a collector of the revenue and to define his duties, was taken up, read a first time and passed.

On motion of Mr. Gray, ordered that twenty-seven copies of said bill be printed for the use of the Senate.

The resolution heretofore submitted by Mr. Moore, directory to the judiciary committee, was taken up, read and adopted.

A resolution from the House of Representatives proposing to go into the election of a treasurer for the state, a comptroller and five registers, was taken up, read and concurred in.

A bill to provide for the extension of the line dividing the eleventh and thirteenth surveyors' districts and the range and section lines of said districts through the Mississippi bottom to the east bank of the river, was taken up, read a third time; and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 15, noes 2.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Childress, Craighead, Graves, Gray, Hynds, Ledbetter, Love, Moore, Reagan, Robertson, Rogers, Totten and Vernon—15.

The negative voters are, Mr. McGaughey and Trousdale—2.

A bill to provide for bringing suits against the state, was taken up.

Mr. Trousdale moved to amend said bill by striking out "treasurer of division" wherever it occurs in the bill, and insert "treasurer of the State;" which motion prevailed.

Mr. Trousdale moved to strike out the proviso to the section of the bill; which motion also prevailed.

The bill as amended, was then read a third time, and the question, shall the bill pass, being had thereon, it was determined in the affirmative—ayes 12, noes 5.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Childress, Craighead, Graves, Hynds, Ledbetter, Love, Robertson, Rogers, Totten and Trousdale—12.

The negative voters are,

Mr. Gray, McGaughey, Moore, Reagan and Vernon—5.

A bill concerning public roads and highways was taken up.

Mr. Childress moved to strike out the preamble to said bill; which motion prevailed.

Mr. Childress moved to strike out the 3rd section of the bill; which motion also prevailed.

The bill was then read as amended a third time, and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 14, noes 4.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Childress, Gordon, Graves, Gray, Ledbetter, Love, Moore, Powell, Reagan, Robertson, Totten and Trousdale—14.

The negative voters are,

Mr. Hynds, McGaughey, Rogers and Vernon—4.

A bill to prescribe the duties of justices of the peace on executions in certain cases, was taken up and read.

Mr. Trousdale moved an indefinite postponement of said bill, and the sense of the Senate being had thereon, said motion prevailed and the bill was rejected.

A bill to establish a bridge and causeway across the middle fork of Forked-Deer river; a bill to establish the Forked-Deer turnpike company; a bill to prohibit town corporations from passing certain ordinances; and a bill to compel the collectors of the public revenue of the State to account for and pay over the same, were severally read a second time and passed.

A bill to establish the county of Jones was taken up and read.

Mr. Trousdale moved the indefinite postponement of the bill, which motion prevailed and the bill was rejected.

A bill for the relief of the county of Meigs, was taken up, read a second time and passed. On motion of Mr. Powell, he had leave to withdraw said bill for amendment.

A bill to regulate the practice in Chancery, was taken up, read a second time and passed.

Said bill was, on motion of Mr. Morford, referred to the committee on the judiciary.

A bill more effectually to suppress excessive litigation in courts of justice was taken up.

Mr. Childress offered an amendment in lieu of the whole bill, from the words "a bill," which was accepted, the bill as amended read a second time and passed.

A bill to authorise a nole prosequi to be entered in certain cases, was taken up, read a second time and passed.

A bill supplemental to an act to authorize the county courts of this State to grant the privilege of building mill dams, bridges and such other local and private improvements as are contemplated by the 7th and 8th sections of the 11th article of the constitution, passed 30th January, 1836; a bill to repeal the second section of an act passed November 30th 1833, chapter 65; a bill making an appropriation to Spencer Payne; a bill supplemental to an act establishing the county of Coffee; and a bill to incorporate the Memphis Marine and Fire Insurance company, were severally read a second time and passed.

Mr. Hynds asked and obtained leave to withdraw the last named bill for amendment.

A bill to repeal an act entitled an act to tax the retailers of spirituous liquors, and to appropriate the moneys arising therefrom to the use of common schools, passed December 15th, 1831, was taken up.

Mr. Totten offered an amendment in lieu of the whole bill, from the words "a bill."

Mr. Graves offered an amendment in lieu of the bill and amendment; which was rejected.

Mr. Gordon moved to amend the amendment of Mr. Totten, by striking out $50 and inserting in lieu thereof $25; which motion prevailed; the amendment of Mr. Totten as amended was then accepted.

The bill as amended was then read a second time, and the question shall the bill pass? being had thereon, it was determined in the affirmative, ayes 13, noes 7.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Rogers, the affimative voters are,

Mr. Speaker Webster, Brown, Childress, Gordon, Gray, Henderson, Hynds, Ledbetter, Love, Reagan, Robertson, Totten and Trousdale—13.

The negative voters are,

Mr. Armstrong, Graves, Moore, Morford, Powell, Rogers and Vernon—7.

A bill to repeal the second section of the act passed 16th December, 1831, chapter 102, entitled an act concerning free persons of color, and for other purposes, was taken up and read a second time.

Mr. Trousdale moved the indefinite postponement of the bill, which motion prevailed and the bill was rejected.

A bill to equalize the stay laws of this state, was taken up, read a second time, and the question, shall the bill pass? being had thereon, it was determined in the affirmative, ayes 13, noes 7.

The ayes and noes being demanded by Mr. Robertson, seconded by Mr. Love, the affirmative voters are Mr. Speaker Webster, Brown, Gordon, Graves, Gray, Henderson, Ledbetter, Love, Moore, Powell, Robertson, Rogers and Totten—13.

The negative voters are,

Mr. Armstrong, Childress, Hynds, Morford, Reagan, Trousdale and Vernon—7.

Mr. Powell introduced a bill supplemental to an act establishing the county of Johnson, which was read a first time and passed,

The Senate then adjourned.

WEDNESDAY, FEBRUARY 3rd, 1836.

Mr. Reagan presented the petition of Ambrose N. Armstrong and others, praying the legislature to pass a law authorising said Armstrong to build a bridge across the Hiwassee river, which was read and referred on his motion to the committee on internal improvement.

Mr. Craighead, from the committee on enrollments reported as correctly enrolled, an act to incorporate the president, trustees, &c., of the Franklin Female Academy. The Speaker signed said enrolled act and ordered that it be transmitted to the House of Representatives.

Mr. Gordon presented the preamble and resolutions of sundry citizens of Hickman county, which were requested by the petitioners to be laid before the Legislature, directory to B. Gordon and G. Fowlkes Esqrs., Senator and Representative from said county, to vote for resolutions instructing our Senators in Congress to vote for Mr. Benton's expunging resolutions. Some discussion arose on the propriety of receiving said papers.

Mr. McGaughey called for the previous question on the receiving of said papers.

Mr. Henderson called for the ayes and noes.

A question arose as to what effect a refusal to sustain the call for the previous question, would have upon the reception of the petition.

The chair decided that if the Senate will not sustain the call for the previous question, that it amounted to a postponement or rejection of the question for that day. From which decision Mr. Moore appealed, and the sense of the Senate being had on said appeal, it was determined against the chair, ayes 4, noes 19.

The *ayes and noes being* demanded by Mr. Totten, seconded by Mr. Trousdale, the affirmative voters are Mr. Graves, Henderson, Morford and Powell—4.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Johnson, Ledbetter, Love, McGaughey, Moore, Motley, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—19.

Mr. Speaker Webster asked and obtained leave of the Senate to have the following copied into the journal, from Jefferson's Manuel, as the reasons for the decision of the Chair, as above stated.

"Section 34. The previous question, pages 102 and 103. When any question is before the House, any member may move a previous question, whether that question (called the main question) shall be put; if it pass in the affirmative, then the main question is to be put immediately, and no man may speak any thing further to it either to add or alter. The previous

question being moved and seconded, the question from the chair shall be, "shall the main question be now put," and if the nays prevail, the main question shall not then be put. This kind of question is understood by Mr. Hatsell to have been introduced in 1604, when the question was put in this form, "shall the main question be put?" A determination in the negative suppressed the main question during the session; but since the words "now put" are used, they exclude it for the present only; formerly indeed, only till the present debate was over, but now for that day and no longer."

The question then recurred upon Mr. McGaughey's call for the previous question, and the sense of the Senate being had thereon, it was determined in the affirmative, ayes 14, noes 11.

The ayes and noes being demanded by Mr. Henderson, seconded by Mr. Brown, the affirmative voters are, Mr. Speaker Webster, Childress, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Morford, Reagan, Totten and Vernon—14.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Craighead, Gordon, Moore, Motley, Powell, Robertson, Rogers and Trousdale—11.

The question then recurred on the receiving of the preamble and resolutions. And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 17, noes 8.

The ayes and noes being demanded by Mr. Henderson, seconded by Mr. Robertson, the affirmative voters are,

Mr. speaker Webster, Armstrong, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Motley, Totten, Trousdale and Vernon—17.

The negative voters are,

Mr. Brown, Cahal, Henderson, Morford, Powell, Reagan, Robertson and Rogers—8.

The preamble and resolutions were then read at the clerk's table.

Mr. Gordon moved that they be transmitted to the House of Representatives.

Mr. McGaughey moved to lay said papers on the table. And the sense of the Senate being had thereon, said motion was rejected—ayes 8, noes 15.

The ayes and noes being demanded by Mr. Gordon, seconded by Mr. Totten, the affirmative voters are,

Mr. Henderson, Hynds, McGaughey, Motley, Powell, Robertson, Rogers and Vernon—8.

The negative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Johnson, Ledbetter, Love, Moore, Morford and Totten—15.

Mr. Morford moved the indefinite postponement of said preamble and resolutions, presented by Mr. Gordon.

And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 15, noes 10.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Rogers, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Graves, Henderson, Hynds, Ledbetter, McGaughey, Morford, Motley, Powell, Reagan, Robertson and Rogers —15.

The negative voters are,

Mr. Speaker Webster, Craighead, Gordon, Gray, Johnson, Love, Moore, Totten, Trousdale and Vernon,—10.

A bill from the House of Representatives, supplemental to an act entitled an act to establish the county of Cannon, was taken up, read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have read a third time and passed, a bill from the Senate to establish a precinct for holding elections in Cade's Cove and Tuckaleechy Cove, in Blount county, with sundry amendments thereto, herewith transmitted, in which they ask the concurrence of the Senate. And then he withdrew.

The Senate concurred in said several amendments to said bill.

Ordered, that the clerk acquaint the House of Representatives therewith.

Mr. Powell returned a bill withdrawn by him for amendment, for the relief of the county of Meigs, with an amendment thereto, making the bill read, "for the relief of the counties of Meigs and Johnson."

Which amendment was accepted.

Mr. Powell moved to lay said bill on the table. Which motion prevailed.

Mr. Armstrong returned a bill withdrawn by him for amendment, making an appropriation for cleaning out the obstructions in the east fork of Obed's river, with an amendment thereto—which was accepted.

Mr. Powell moved to refer said bill to the committee of the whole.

Which motion prevailed.

Mr. Totten moved that the Senate do now resolve itself into a committee of the whole. Which motion prevailed.

The Senate thereupon resolved itself into a committee of the whole, Mr. Johnson in the chair, upon the bill making an appropriation for cleaning out the obstructions in the east fork of Obed's river. And after some time spent in the consideration thereof, the committee rose, and the speaker took the chair.

Mr. Johnson, chairman of said committee, reported that the committee of the whole have had under consideration the bill referred to them, and had instructed him to report the striking out of "two hundred and fifty dollars" in the first section of the bill, and insert in lieu thereof, "five hundred dollars;" and with that amendment to recommend the passage of the bill.

Mr. Powell moved to amend the report of the committee, by adding thereto the following:

And that the like sum be and the same is hereby appropriated for the same purposes in the Wautauga river, in Carter county; and that Solomon Hendrix, James J. Tipton and Leonard Hart, jun. be appointed commissioners under this act to superintend said work, and the expenditure of the money.

And the sense of the Senate being had on said amendment, it was rejected—ayes 6, noes 17.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Cahal, the affirmative voters are,

Mr. Graves, Johnson, Powell, Reagan, Robertson and Trousdale—6.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Hynds, Ledbetter, Love, Moore, Morford, Motley, Rogers, Totten and Vernon—17.

The report of the committee was then concurred in as to the amendment to the bill.

The question was then had upon the passage of the bill a third time, and determined in the affirmative—ayes 14, noes 9.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Childress, Craighead, Graves, Hynds, Love, Moore, Morford, Reagan, Robertson, Rogers and Totten—14.

The negative voters are,

Mr. Cahal, Gordon, Gray, Johnson, Ledbetter, Motley, Powell, Trousdale and Vernon—9.

A bill supplemental to an act passed January 30th, 1836, authorising the several county courts in this State to grant the privilege of building bridges, mill dams, and such other local and private improvements as are contemplated by the 7th and 8th sections of the 11th article of the constitution of Tennessee, was taken up, read a third time; and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 21, noes 2.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—21.

The negative voters are,

Mr. Childress and Trousdale—2.

A bill supplemental to an act passed at the present session of the General Assembly, establishing the county of Coffee, was taken up, read a third time, and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 21, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Childress, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—21. There being no voters in the negative.

A bill to authorise the building a bridge and cause-way across the middle fork of Forked Deer river, was taken up, read a third time, and the question, shall the bill pass? being had thereon, it was determined in the negative—ayes 10, noes 11.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Craighead, Gray, Johnson, Love, Moore, Reagan, Rogers Totten and Vernon—10.

The negative voters are,

Mr. speaker Webster, Cahal, Childress, Gordon, Graves, Hynds, Ledbetter Motley, Powell, Robertson and Trousdale—11.

So said bill was rejected.

A bill more effectually to suppress excessive litigation in courts of justice was taken up and read.

Mr. Trousdale offered the following amendment to said bill, to wit:

Provided, that it shall in all cases be deemed a sufficient reason, if the party appealing will say he has not the money.

And the sense of the Senate being had on said amendment, it was rejected —ayes 6, noes 16.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Morford, the affirmative voters are,

Mr, Cahal, Hynds, Johnson, Morford, Robertson and Trousdale—6.

The negative voters are,

Mr. speaker Webster, Armstrong, Childress, Craighead, Gordon, Graves, Gray, Ledbetter, Love, Moore, Motley, Powell, Reagan, Rogers, Totten and Vernon—16.

The question then recurred upon the passage of the bill; and the question, shall the bill pass a third time? being had thereon, it was determined in the negative—ayes 7, noes 15.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Childress, Graves, Moore, Reagan and Vernon—7.

The negative voters are,

Mr. Cahal, Craighead, Gordon, Gray, Hynds, Johnson, Ledbetter, Love, Morford, Motley, Powell, Robertson, Rogers, Totten and Trousdale—15.

So said bill was rejected.

A bill to prevent town corporations from passing certain ordinances, was taken up.

Mr. Powell moved to amend said bill by adding to the end of the first section, the words "of this State."

Which was accepted.

Mr. Rogers moved to strike out of the first section of the bill, the words "of the county." Which was agreed to.

The bill as amended was thereupon read a third time, and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 14, noes 8.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Cahal, Graves, Gray, Hynds, Ledbetter, Love, Motley, Powell, Reagan, Robertson, Rogers and Vernon—14.

The negative voters are,

Mr. Childress, Craighead, Gordon, Johnson, Moore, Morford, Totten and Trousdale—8.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: The speaker of the House of Representatives did this day sign an enrolled act to establish the county of Cannon, to be composed of parts of the counties of Warren, Rutherford and Smith.

And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled act, and ordered that it be deposited in the office of the Secretary of State.

The Senate then adjourned.

THURSDAY, FEBRUARY 4th, 1836.

Mr. Ledbetter from the committee on enrollments, reported as correctly enrolled, the following acts, to wit:

An act to authorise the sale of Columbia College, in Maury county; an act supplemental to an act passed at the present session of the General Assembly, entitled an act to establish circuit courts; and an act to provide for the appointment of notaries public.

The speaker signed said enrolled acts, and ordered that they be transmitted to the House of Representatives.

Mr. Hynds from the committee on internal improvements, to whom was referred a bill from the House of Representatives, entitled a bill providing for a general system of internal improvement in the State of Tennessee—have had the same under consideration, together with the accompanying documents, report the same without amendment, and further report favorably of its provisions, and recommend its passage.

Signed ROB'T H. HYNDS, Chairman.

Said report was on motion of Mr. Powell, ordered to the table.

Mr. Henderson, from the select committee to whom was referred a bill for the relief of occupants south and west of the congressional reservation line, and north of Winchester's line, and for other purposes—returned the same with an amendment thereto, to the end of the 8th section, and with the amendment he was instructed to recommend the passage of the bill.

The amendment was accepted.

On motion of Mr. Armstrong, said bill was ordered to the table.

Mr. Hynds returned a bill withdrawn by him for amendment, to incorporate the Memphis marine and fire insurance company, with an amendment thereto in lieu of the 20th section of the bill.

Said bill and amendment was on his motion ordered to the table.

On motion of Mr. Johnson, the Senate took [up] the preamble and resolutions heretofore submitted by him upon the subject of our relations with France.

Mr. Reagan offered the following additional resolutions as an amendment to the preamble and resolutions of Mr. Johnson, to wit:

Resolved further, That we most cordially approve of the policy pursued by the present Administration in regard to the Southern Indians,

Resolved further, That we heartily concur in the opinion expressed by th President that the States have the sole and exclusive right to legislate withi their chartered limits; thereby expressly recognising the rights of the State to extend their laws over the Indian tribes within their limits.

Mr. Craighead moved to lay said resolutions on the table.

Which motion prevailed.

The question then recurred on the adoption of the preamble and resolution of Mr. Johnson. And the sense of the Senate being had thereon, it was de termined in the affirmative—ayes 24, noes 1.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr Totten, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trous dale and Vernon—24.

The negative voter is, Mr. Henderson—1.

Mr. Ledbetter from the committee of conference on a bill to ascertain the compensation to be allowed to the members and officers of the General As sembly—reported that the committee had agreed to allow the speakers of both Houses six dollars per day for their services during the sitting of the Legisla ture; the principal clerk of each House, the sum of six dollars per day; the assistant clerks the sum of four dollars per day; and the door-keepers, each the sum of three dollars per day.

Mr. McGaughey moved a division of the report. Which motion prevailed.

The question was then taken on concurring with that part of the report as relates to the pay to be allowed the speakers of the two Houses. And the sense of the Senate being had thereon, that part of said report was non-con curred in—ayes 8, noes 14.

The ayes and noes being demanded by Mr. Love, seconded by Mr. Totten, the affirmative voters are,

Mr. Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Powell and Trousdale—8.

The negative voters are,

Mr. Brown, Armstrong, Graves, Gray, Hynds, Love, McGaughey, Moore, Morford, Reagan, Robertson, Rogers, Totten and Vernon—14.

The Senate then non-concurred with the balance of said report.

Ordered that the clerk acquaint the House of Representatives.

Mr. Brown moved to reconsider the vote non-concurring with the first division of the report of the committee of conference.

And the sense of the Senate being had thereon, it was determined in the negative—ayes 8, noes 16.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Graves, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson and Morford—8.

The negative voters are,

Mr. Armstrong, Graves, Gray, Hynds, Ledbetter, Love, McGaughey,

Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—16.

A bill supplemental to an act to establish the county of Johnson, was taken up.

Mr. Powell moved to amend said bill, by inserting the words "together with a transcript of the proceedings," after the word documents, in the 11th line, first section; and also by adding an additional section to said bill.

Both of which were accepted, and the bill read a second time and passed.

A bill for the relief of the occupants south and west of the congressional reservation line, was taken up.

Mr. Childress moved to amend the first section of the bill. After the word "warrant" in the 28th line, insert, "or good and valid claims for a warrant." And the sense of the Senate being had on said amendment, it was rejected—ayes 3, noes 22.

The ayes and noes being demanded by Mr. Love, seconded by Mr. Totten, the affirmative voters are,

Mr. Childress, Johnson and Ledbetter—3.

The negative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—22.

Mr. Brown offered the following amendment to the 11th section, to come in after the word in the line of said section:—"Including locating, surveying, laying down on the general plan, issuing a copy of the entry to the surveyor of said entry, of occupancy."

Which was accepted.

Mr. Love moved to strike out all that part of the bill that relates to the adjudicating land warrants and the entering said warrants "south and west of the congressional reservation line." And the sense of the Senate being had on said motion, it was rejected—ayes 11, noes 13.

The ayes and noes being demanded by Mr. Love, seconded by Mr. Totten, the affirmative voters are,

Mr. Brown, Graves, Hynds, Love, McGaughey, Motley, Powell, Reagan, Robertson, Trousdale and Vernon—11.

The negative voters are,

Mr. Speaker Webster, Armstrong, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Moore, Morford, Rogers and Totten—13.

Mr. Armstrong moved to amend the first section of the bill, by striking out from the words "board of commissioners" to the end of the section, and insert an amendment in lieu thereof.

Which motion prevailed.

Mr. Armstrong moved further to amend said bill, by adding thereto an additional section.

Mr. Gordon moved to amend the amendment of Mr. Armstrong by adding a proviso thereto; which was accepted.

The amendment of Mr. Armstrong as amended was agreed to.

Mr. Robertson moved to amend said bill by adding thereto an additional section. Which was accepted.

The bill was thereupon (as amended) read a third time; and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 16, noes 7.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Love, Moore, Morford, Robertson, Rogers and Totten—16.

The negative voters are,

Mr. Hynds, McGaughey, Motley, Powell, Reagan, Trousdale and Vernon —7.

A bill supplemental to an act to establish the county of Cannon, was taken up.

Mr. Ledbetter offered an amendment to the second section of the bill.

Which was accepted.

The bill as amended was read a second time and passed.

A bill to declare the north and middle forks of the Obion river navigable, in Weakly county, was taken up, read a 2d time and passed.

Mr. Totten introduced a bill supplemental to an act entitled an act to establish circuit courts, passed at the present session of the General Assembly.

Which was read a first time and passed.

A bill to abolish the surveyors' offices south and west of the congressional reservation line, and to establish county offices in lieu thereof, was taken up.

Mr. Gordon moved to fill the first blank in the bill with "Lawrence."

Mr. Brown, the second blank with "Maury," and the third blank with "Henderson."

Mr. Robertson moved to fill the fourth blank with "Hardeman," and the fifth with "Fayette."

Mr. Love, the sixth blank with "Carroll," and the seventh with "Gibson."

All of said motions were agreed to.

The bill was thereupon read a third time, and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 21, noes 2.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—21.

The negative voters are,

Mr. speaker Webster and Trousdale—2.

A bill to establish the county of Gordon, in honor of Capt. John Gordon, was taken up.

Mr. Johnson offered an amendment in lieu of that part of the first section of the bill designating the boundary of said county.

Which was accepted.

The several blanks in the bill were then filled on motion of Mr. Johnson.

Mr. Craighead moved to lay said bill on the table.

Which motion failed.

The bill was then read a third time, and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 22, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Childress, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon —22.

The negative voter is, Mr. Craighead—1.

Mr. speaker Webster (then on the floor) submitted the following:

Whereas, opinions exist, that a book entitled "A Manual of Parliamentary Practice, for the use of the Senate of the United States, by Thomas Jefferson," ought not to govern the deliberations of this Senate as Parliamentary authority: Therefore,

Resolved, That the sense of the Senate be taken thereon.

Mr. Hynds moved a suspension of the rule requiring resolutions to lie one day on the table.

Which motion prevailed.

Mr. McGaughey offered the following in lieu of the above resolution, to wit:

Resolved, That in all cases where the rules adopted by the Senate do not apply that the rules laid down in Jefferson's manual, shall be adhered to in the government of the Senate.

Which was accepted and adopted.

A bill for the relief of tax collectors in certain cases, was taken up.

Mr. Armstrong moved to amend said bill by striking out "treasurer of the division," and insert "treasurer of the State;" and also to add after the word "county," in the first section, the word "court."

Both of which motions were agreed to.

The bill as amended was read a second time and passed.

A bill to amend an act to establish East Tennessee College, and to appoint additional trustees to the same, was taken up, read a 2d time and passed.

A bill for the relief of Spencer Paine, was taken up.

Mr. Henderson moved to [amend] said bill by striking [out] "treasurer of the western district," and insert "treasurer of the State."

Which motion prevailed.

The bill was then read a third time, and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 15, noes 8.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Love, Moore, Powell, Rogers and Totten—15.

The negative voters are,

Mr. Johnson, McGaughey, Morford, Motley, Reagan, Robertson, Trousdale and Vernon—8.

A bill to establish the forked deer turnpike company, was taken up.

Mr. Totten offered an amendment to the bill; which was accepted.

The bill was then read a third time, and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 22, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten and Trousdale —22. There being no voters in the negative.

A bill to incorporate the Nashville marine, fire insurance and life and trust company, was taken up.

Mr. Ledbetter moved to strike out of the section of the bill, "1866."

Which motion prevailed.

Mr. Johnson moved to fill the blank just made, by inserting "1900." And the sense of the Senate being had on said motion, it was rejected—ayes 8, noes 15.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Robertson, the affirmative voters are,

Mr. Brown, Childress, Craighead, Johnson, Love, Morford, Robertson and Totten—8.

The negative voters are,

Mr. speaker Webster, Armstrong, Gordon, Graves, Gray, Hynds, Ledbetter, McGaughey, Moore, Motley, Powell, Reagan, Rogers, Trousdale and Vernon—15.

Mr. Johnson moved to fill the blank with "1876;" which motion failed.

Mr. Armstrong moved to reconsider the vote striking out "1866."

Which motion prevailed. And "1866" was reinstated in the bill.

The bill was then read a 2d time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have read a third time and passed, bills from the Senate, of the following titles:

A bill to incorporate the Murfreesboro', Manchester and Winchester turnpike company; and a bill incorporating the Clarksville and Russellville rail road company, with amendments thereto, herewith transmitted, in which they ask the concurrence of the Senate.

And then he withdrew.

The Senate concurred in the amendments to both of said bills.

Ordered, That the clerk acquaint the House of Representatives therewith.

Mr. Craighead moved the suspension of the rule requiring the holding of night sessions. And the sense of the Senate being had thereon, said motion was rejected—ayes 9, noes 13.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Trousdale, the affirmative voters are,

Mr. speaker Webster, Brown, Graves, Johnson, Ledbetter, Love, Moore, Morford and Rogers—9.

The negative voters are,

Mr. Childress, Gordon, Gray, Henderson, Hynds, McGaughey, Motley, Powell, Reagan, Robertson, Totten, Trousdale and Vernon—13.

A bill to repeal the second section of an act passed November 30th, 1833, chapter 65, was taken up, read a third time, and the question, shall the bill pass? being had thereon, it was determined in the negative—ayes 1, noes 20.

The ayes and noes being required by the constitution, the affirmative voter is, Mr. Ledbetter—1.

The negative voters are,

Mr. speaker Webster, Armstrong, Childress, Gordon, Graves, Gray, Hynds, Johnson, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—20.

So said bill was rejected.

A bill to compel the collectors of the public revenue of the State to pay over and account for the same, was taken up, read a third time, and the question, shall the bill pass? being had thereon, it was determined in the negative ayes 7, noes 14.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Hynds, Moore, Reagan, Trousdale and Vernon—7.

The negative voters are,

Mr. Childress, Gordon, Graves, Gray, Johnson, Ledbetter, Love, McGaughey, Morford, Motley, Powell, Robertson, Rogers and Totten—14.

So said bill was rejected.

A bill to establish a treasury department in the mountain district, was taken up and read.

Mr. Powell moved the indefinite postponement of said bill, which motion prevailed and the bill was rejected.

A bill to appoint commissioners to the Emory turnpike road in the county of Morgan, was taken up and read.

Mr. Hynds moved the indefinite postponement of said bill, which motion prevailed and the bill was rejected.

A bill to fix the rate of interest in this state was taken up.

Mr. Trousdale offered the following amendment to the bill, to wit: "shall be due and bear interest from the date."

And the sense of the Senate being had thereon, it was determined in the negative—ayes 10, noes 11.

The ayes and noes being demanded by Mr. Gordon, seconded by Mr. Motley, the affirmative voters are,

Mr. Childress, Gray, Johnson, Ledbetter, Moore, Powell, Reagan, Robertson, Rogers and Trousdale—10.

The negative voters are,

Mr. Speaker Webster, Armstrong, Gordon, Graves, Hynds, Love, McGaughey, Morford, Motley, Totten and Vernon—11.

Mr. Graves offered an amendment by way of proviso, to the second section of the bill.

Which was accepted.

Mr. Totten moved to amend said bill, by adding thereto an additional section, to wit:

Sec. 9. Be it enacted, That any rate of interest not exceeding ten per cent per annum on the hundred dollars, may be taken. Provided, that the rate thereof is expressed on the face of the instrument binding the party to the payment of the principal sum.

And the sense of the Senate being had on said amendment, it was determined in the negative—ayes 4, noes 18.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Love, the affirmative voters are,

Mr. Childress, Gordon, Morford and Totten—4.

The negative voters are,

Mr. speaker Webster, Armstrong, Brown, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—18.

Mr. Gordon moved to amend said bill by adding thereto an additional section, to wit:

Be it enacted, That in all cases where partial payments have been made in extinguishment of a debt, the creditor shall be entitled to interest upon his debt from the time due, or from the time interest was agreed to be paid; and the debtor shall be credited with his payments, and interest upon each payment, from the time when the same was made: Provided, that nothing herein contained shall be so construed as to prevent guardians and others from being charged with compound interest in cases of fraud or breach of trust, according to the principles governing courts of chancery in such cases.

And the sense of the Senate being had on said amendment, it was determined in the negative—ayes 6, noes 16.

The ayes and noes being demanded by Mr. Gordon, seconded by Mr. Morford, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cordon, Graves and Morford—6.

The negative voters are,

Mr. Childress, Hynds, Johnson, Ledbetter, Love, McCaughey, Moore, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon —16.

The bill was then read a third time, and the question, shall the bill pass? being had thereon, it was determined in the affirmative—ayes 20, noes 2.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, McGaughey, Morford, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—20.

The negative voters are,

Mr. Moore and Totten—2.

A bill to prescribe the mode of publishing the decisions of the supreme court, was taken up.

Mr. Ledbetter moved to strike out that part of the bill which requires the reporter to furnish the clerks of the different courts with said reports, at their respective offices.

Mr. Totten offered to amend said bill by adding thereto an additional section.
Said bill and amendment were ordered to the table.
The Senate then adjourned.

FRIDAY, FEBRUARY 5th, 1836.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The speaker of the House of Representatives did this day sign an enrolled resolution, directory to the Executive of this State; also, a resolution appointing Thomas Jarnegan and James Pullim commissioners for Dickson county.

And then he withdrew.

Whereupon the speaker of the Senate signed said enrolled resolutions, and ordered that they be deposited in the office of the Secretary of State.

Mr. McGaughey presented the petition of sundry citizens of Green county, praying the passage of a law altering the lines of the tenth justices' district.

Which was read and referred on his motion to the committee on propositions and grievances.

Mr. Hynds from the committee on internal improvement, made the following report, to wit:

The committee on internal improvements, to whom was referred the petition of Ambrose N. Armstrong of McMinn county, praying the grant of a charter to him and his heirs and assigns, to build a toll-bridge across Hiwassee river, at his ferry in said county—have had the same under consideration, and beg leave to report:

That the 7th section of the 11th article of the amended constitution, says, that the Legislature shall have no power to suspend any general law, for the benefit of any particular individual, nor to pass any law for the benefit of individuals, inconsistent with the general laws of the land, nor to pass any law granting to any individual or individuals, rights, privileges, immunities or exemptions, other than such as may be by the same law extended to any member of the community, who may be able to bring himself within the provisions of such law. The committee are of opinion that the grant of a charter to a *particular individual* to build a bridge, with the privilege secured to him to demand toll of other persons for crossing on said bridge, would be the grant of a *right, privilege* and *immunity* to that individual alone, and that no other individual would be able to bring himself within the provisions of said law, and would therefore be unconstitutional.

But independent of the constitutional objection, another exists against the grant of the prayer of the petition. At the present session of the Legislature an act has passed, vesting the county courts with the power to grant to an individual the privilege of building a toll-bridge across rivers and creeks, where (in the opinion of the court) the public interest requires it, and is to be done at the cost of the person obtaining the grant of such privilege. If

the petitioner in the present case believes that the building of the bridge for which he asks a charter would be beneficial to the public and profitable to himself, he can obtain the grant of the privilege of the county court of McMinn county, in the manner pointed out in said act. The court, upon proper application being made, would no doubt grant the privilege, if they believe the public interest required it.

The committee therefore believe the prayer of said petition unreasonable, and that it ought not to be granted.

The committee have also had under consideration the petition of George Gordon, together with a bill for his benefit, praying the passage of a law to authorise him to open a turnpike road from near Jamestown, in Fentress county, to intersect his present road within three or four miles of the Grassy Cove; and also praying the extension of his present charter for thirty-five years for a turnpike road from near his iron works to George Dawson's on Cumberland mountain, with power to change the route of said road, by extending it to intersect the Sparta road at Maj. James Eastland's.

The committee are of opinion that the same constitutional objection exists to the grant of a charter to a particular individual for a turnpike road, or to the extension of an existing charter beyond the period for which it was originally granted, that exists to the grant of a charter to an individual to build a toll-bridge.

The committee therefore believe the prayer of said petitioner unreasonable, and that it should not be granted; and they report unfavorably of the provisions of the bill, and recommend its rejection.

All of which is respectfully submitted.

ROBERT H. HYNDS, Chairman.

Said report was concurred in.

Mr. McGaughey introduced a bill authorising the county court of Green county to perform certain duties.

Which was read a first time, passed, and referred on his motion to the committee on propositions and grievances.

Mr. Ledbetter presented the memorial of Robt. Miller and others, praying the passage of a law, authorizing them to lay off a town in Rutherford county; said memorial was on his motion ordered to the table.

Mr. Totten presented the petition of sundry citizens of Gibson, Dyer, Obion and Weakley counties, praying for aid in cleaning out the different forks of Obion river; which was read and refered, on his motion, to the committee on internal improvement.

Mr. Totten introduced a bill concerning executors and administrators, and a bill to establish the Obion turnpike company, both of which were read a first time and passed.

Mr. Henderson introduced a bill to incorporate a company, by the name of the Union Mills in the county of Haywood, and State of Tennessee, which was read a first time and passed.

Mr. Henderson submitted the following:

The undersigned would respectfully offer the following reasons for the vote he gave on yesterday, on the resolutions offered by Mr. Johnson, and adopted by the Senate, in relation to the difficulty between the United States

Government and France, and requests the Senate to receive them; and that they be recorded on its journal.

It is not the intention of the undersigned to enter into an elaborate argument on the subject, nor to offer all the reasons which he might have given for his vote; but he will, as briefly and concisely as possible, proceed to give a few of those reasons, which are as follows:

First, he believes the phraseology, if not the spirit of the President's message of 1834, in relation to this matter, was impolitic, and he has not been able to discover upon what ground the French government could since have paid the money without lowering herself in the estimation of the world.

Secondly, he has the most anxious hope and firm belief that a war between the two governments by the wisdom of those to whom the subject legitimately belongs, and by whom it will be properly considered, will be averted and the difficulty amicably and satisfactorily otherwise adjusted.

Thirdly, he was unable to discover any good likely to result from the adoption of the resolutions, and really believed them calculated, under certain circumstances, to widen the breach, and increase the difficulties already carried too far; and that the introduction and adoption of them at this time was premature and impolitic.

Fourthly, he believes the General Assembly has no legal or constitutional authority, officially to act on such subjects; that power he understands to be vested in a more high and more directly responsible tribunal, the Congress of the United States, whose members left their constituents some time after the members of this Legislature, and who are frequently corresponding with them, and best know their wishes on this subject, and who are at the seat of government, and have it directly in their power, officially to obtain all the *facts* in relation thereto; and when they shall have investigated this important and unfortunate subject, and shall have decided the course intended to be pursued; if it shall be for peace all will rejoice—but should it be for war, then all must rally around the American Eagle, and stand in their country's defence RIGHT OR WRONG.

All of which is respectfully submitted.

Signed, WILLIAM H. HENDERSON.

February 5th, 1836.

A bill setting forth the property, real and personal, and the privileges and occupations liable to taxation in this State, was taken up.

Mr. Childress moved to amend said bill by inserting after the words "pleasure carriages," in the fourth line of the first section, the words "stud horses and jacks, kept for mares," and the sense of the Senate being had on said amendment, it was determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Vernon, the affirmative voters are,

Mr. Brown, Childress, Craighead, Graves, Henderson, Ledbetter, Love, More, Morford, Motley, Powell, Robertson, Rogers, and Totten—14.

The negative voters are,

Mr. Speaker Webster, Armstrong, Gordon, Gray, Hinds, Johnson, McGaughey, Reagan, Trousdale, and Vernon—10.

Mr. Ledbetter moved to amend the first section of the bill, by striking out

after the words "tax of," in the ninth line "five" and insert "four," and the sense of the Senate being had thereon, it was determined in the negative,—ayes 8, noes 16.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Morford, the affirmative voters are,

Mr. Armstrong, Ledbetter, McGaughey, Morford, Motley, Reagan, Rogers, and Vernon—8.

The negative voters are,

Mr. Speaker Webster, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Love, Moore, Powell, Robertson, Totten, and Trousdale—16.

Mr. Graves moved a reconsideration of the vote adopting the amendment of Mr. Childress, as to stud horses and jacks kept for mares, which motion prevailed.

The question then recured upon the amendment of Mr. Childress, and the sense of the Senate being had thereon, it was determined in the negative—ayes 11, noes 13.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Morford, the affirmative voters are,

Mr. Brown, Childress, Craighead, Henderson, Ledbetter, Love, Moore, Morford, Robertson, Rogers and Totten—11

The negative voters are,

Mr. Speaker, Webster, Armstrong, Gordon, Graves, Gray, Hynds, Johnson, McGaughey, Motley, Powell, Reagan, Trousdale, and Vernon—13.

Mr. Graves moved to amend [the] 4th section of the bill by striking out from the word "obtaining," in the fifth line, to the words "he shall," in the 8th line, and insert in lieu thereof, the following: "give in such stallion or jack with the price of the season to the person, authorized to take lists of taxable property, in the district in which he may live, and if any person shall stand any stallion or jack in any other county than that in which he may live, such person shall give in a list of such stallion or jack, in the magistrate's district, in which such stallion or jack may stand; and where a stallion or jack is kept for mares in different districts, or in a different district than that in which the owner lives, the owner or person keeping the same may be exempt from giving in, in any but one district, by producing the certificate of such magistrate who has taken in a list of such property to the other magistrate or person authorized to take lists of taxable property in other districts; and if any person shall stand a stallion or jack without first giving in as aforesaid.

Said motion was rejected.

Mr. Ledbetter moved to amend [the] 4th section of the bill, by inserting after the word "mares" in the third line, the following: and any bull of the English or Durham breed, kept for cows, the season price of one cow; and Merino rams, the season price of one ewe.

On motion of Mr. Trousdale said amendment was ordered to the table.

Mr. Ledbetter moved to strike out from the word "provided," in the 4th line of the section, to the word "and" in the 12th line of said section, and the sense of the Senate being had thereon it was determined in the negative—ayes 5, noes 17.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Johnson, the affirmative voters are,

Mr. Childress, Ledbetter, Moore, Morford and Rogers—5.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Love, McGaughey, Motley, Powell, Reagan, Robertson, Trousdale, and Vernon—17.

Mr. Gray moved to strike out from the word "jack," in the 20th line to the word "provided" in the 23rd line of the 4th section;

Which motion failed.

Mr. Robertson moved to amend the 4th section of the bill, by striking out $10 as a tax on confectionaries, and insert $20;

Which motion prevailed.

Mr. Graves moved to strike out the words, "manufactured for sale," in the 34th line of the 4th section; which motion was rejected.

Mr. Graves offered the following amendment to the fourth section: "ten per cent on all money, collected by virtue of such race tract, by way of toll for passing into said tract by a gate or otherwise; and it shall be the duty of such person to go before the clerk of the county court, at the end of each year, and make a true statement on oath, of all such money by them collected for the said year, and pay over ten per cent of said money, as aforesaid; said amendment was rejected.

Mr. Gordon moved to strike out $50 as a tax upon the keepers of race tracts, for turf racing, and insert $25.

And the sense of the Senate being had thereon it was determined in the affirmative—ayes 14, noes 10.

The ayes and noes being demanded by Mr. Reagan, seconded by Mr. McGaughey, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Gordon, Graves, Gray, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell and Rogers—14.

The negative voters are,

Mr. speaker Webster, Craighead, Henderson, Hynds, McGaughey, Reagan, Robertson, Totten, Trousdale and Vernon—10.

Mr. Graves moved to strike out all that part of the 4th section that relates to race tracts. And the sense of the Senate being had thereon, it was determined in the negative—ayes 9, noes 15.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Trousdale, the affirmative voters are,

Mr. Brown, Graves, Ledbetter, Moore, Morford, Powell, Rogers, Trousdale and Vernon—9.

The negative voters are,

Mr, speaker Webster, Armstrong, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Love, McGaughey, Motley, Reagan, Robertson and Totten—15.

Mr. Moore moved to amend the 5th section of the bill, by inserting in the 13th line the following: when the amount does not exceed one thousand dollars, he she or they shall have a license for $10.

Which motion failed.

Mr. Henderson offered to amend the 4th section of the bill by inserting in the sixth line, after the word "pay" the following, "to the collector of said county," and in the seventh line after the word "license," the following, "which shall be issued by the clerk upon being furnished with the receipt of said collector to be recorded by said clerk, in a well bound book to be kept by him for that purpose."

Mr. Childress offered an additional section to the bill, and in lieu of the amendment offered by Mr. Henderson. Which was accepted and then adopted.

Mr. Trousdale moved to strike out the provision to the 12th section of the bill. Which motion prevailed.

Mr. speaker Webster, (then on the floor,) moved to strike out the 11th, 12th, 13th and 14th sections of the bill.

And the sense of the Senate being had thereon, it was determined in the negative—ayes 6, noes 16.

The ayes and noes being demanded by Mr. Totten, seconded by Mr. Love, the affirmative voters are,

Mr. speaker Webster, Childress, Graves, Gray, Johnson and Rogers—6.

The negative voters are,

Mr. Armstrong, Brown, Craighead, Gordon, Hynds, Ledbetter, Love, McGaughey, Moore, Motley, Powell, Reagan, Robertson, Totten, Trousdale and Vernon—16.

Mr. Reagan moved to amend the 11th section of the bill by inserting "five per cent" in lieu of "five cents."

Which motion failed.

Mr. Johnson moved a reconsideration of the vote on Mr. Trousdale's motion to strike out the "proviso" to the 12th section.

And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Ledbetter, the affirmative voters are,

Mr. speaker Webster, Childress, Craighead, Gordon, Gray, Hynds, Johnson, McGaughey, Moore, Reagan, Rogers and Vernon—12.

The negative voters are,

Mr. Armstrong, Brown, Graves, Henderson, Ledbetter, Motley, Powell, Robertson, Totten and Trousdale—10.

So said vote was reconsidered and the proviso reinstated.

The bill was then read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 18, noes 4.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Love, McGaughey, Morford, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—18.

The negative voters are,

Mr. Childress, Ledbetter, Moore and Motley—4.

A bill to amend an act to establish East Tennessee college, and to appoint additional trustees to the same, was taken up read a third time and passed.

The Senate took up and considered the several amendments of the House of Representatives, to a bill supplemental to an act to establish the county of Coffee, and concurred therein.

Ordered, that the clerk acquaint the House of Representatives therewith.

A bill supplemental to an act passed at the present session of the legislature establishing circuit courts, was taken up.

Mr. Hynds offered an amendment to the bill which was accepted, the bill read as amended a 2nd time and passed.

A bill to provide for the appointment of commissioners to take in a list of taxable property and polls, and to define their duties, was taken up.

Mr. Childress moved to amend said bill by striking out from the word "situated," in the 25th line of the 5th section, to the word "they" in the 29th line of said section. Which was agreed to.

Mr. Henderson moved to insert the word "out" after the word "hire," in the 11th line of the 5th section.

Which was agreed to.

Mr. Rogers moved to strike out so much of the 7th section as makes a person pay a double tax, if he does not give in his taxable property.

Which motion failed.

Mr. Childress moved to amend the 18th section of the bill, by striking out "fifty cents" in the fifth line of said section, and insert in lieu thereof "one dollar." Which motion prevailed.

Mr. Ledbetter moved to strike out the 17th section of the bill. Which motion failed.

Mr. Rogers moved to amend the 19th section of the bill, by giving persons chargeable with double tax, three months to apply to court and get released. Which motion failed.

The bill was then read a 3d time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 22, noes 2.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—22.

The negative voters are, Mr. Ledbetter and Totten—2.

A bill to provide for the appointment of a collector of the revenue and to define his duties, was taken up.

Mr. Robertson moved to strike out the "first Monday of October," in the 9th line of [the] first section, and insert "first day of December."

Which motion failed.

Mr. Rogers moved to strike out "first Monday in October," and insert "first day of November."

Which motion also failed.

Mr. Totten moved to amend the 5th section of the bill by inserting after the word "sum" in the 2nd line, the following: "and the court shall give judgment against said tracts of land, in the name of the respective owners thereof." Which was accepted.

Mr. Henderson moved to strike out the 4th, 5th, 6th, 7th and 8th sections of the bill. Which motion failed.

Mr. Childress moved to amend said bill by adding thereto an additional section, to come in after the 13th section of the bill.

Which was accepted.

The bill was then read a second time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives concur in the amendments proposed by the Senate to "a bill to establish a treasury department, to prescribe the duties of the treasurer and to fix his salary."

And then he withdrew.

A bill supplemental to an act to establish the county of Johnson, was taken up read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 19, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—19.

The negative voter is, Mr. Trousdale—1.

The Senate then adjourned.

SATURDAY, FEBRUARY 6th, 1836.

Mr. Childress, from the committee on education and common schools, made the following report:

The committee on education and common schools, to whom was referred the report of the Treasurer of East Tennessee, made in obedience to a resolution of the House of Representatives adopted 31st October, 1835, and also another resolution requiring said Treasurer of East Tennessee, to report to the General Assembly the situation of the debt owing to the State, and which was suspended by law in consequence of law suits, between certain Indian reservees, and the purchasers of the lands from the government, in which last resolution said Treasurer was respectfully called upon to answer. First, the amount which has been paid to him. Secondly, by whom paid. Thirdly, when paid. Fourthly, the amount received from those persons whose lands were in dispute, or in suit at the time referred to, &c.

Fifthly, what amount is yet due from persons whose land is in dispute or in suit, with their names. Sixthly, what amount has been released, who lost their lands in suits, with their names. Seventhly, if any amount is yet unpaid, by whom it is owing. Eighthly, what amount has been paid by him of the sum collected. Ninthly, to whom was the amount paid, collected from purchasers of land in the Hiwassee district, and at what time, and have had the same under consideration, and beg leave to make the following

REPORT.

The committee discover, from the report of the bank committee in 1831, that there was land in dispute to the amount of $28,558 86 cents, which fact is not denied in the report of the treasurer of East Tennessee, referred to the committee. Then it seems the only matter for the consideration of the committee is confined to said amount of $28,558 86, as the balance of the report is satisfactory upon the face of it.

In the report of the treasurer he says there yet remains unsatisfied and due the State, on account of the aforesaid sum in dispute, the sum of $13,282 37½, and that he has received the sum of $6,573 12½, which is shown in his settlement made with the committee on Finance, which sum was received at a discount of 37½ per cent, making the sum of $10,516 99. Then it will be seen by adding these sums together it will make the amount of $23,799 36 of said sum accounted for, leaving a deficit of $4,779 30 unaccounted for.

The committee will further report that said treasurer alleges that said sum is covered by reservees recovering land to that amount from the original purchasers, and furnishes the names of reservees, thus recovering without giving the amount recovered, to wit: J. Coody, Willie Tootan, Lewis Ross, Hildebrand and Mouse Payne. The treasurer in his report, further states that his books are at Knoxville, which places it out of his power to give the specific amount of each claim, or the aggregate of the whole.

Your committee will further state that from an examination of the last settlement with said treasurer, they discover the following entry to the credit of said treasurer. Paid Hildebrand reservation, see account 1833, $385 13. From the foregoing statement it will be seen that the committee can only state the facts without giving any opinion thereon.

Said report was read and on motion of Mr. Ledbetter, ordered to the table

Mr. Childress presented the petition of sundry citizens of Williamson county, praying the increase of the banking capital of the State, read and ordered to be transmitted.

Mr. McGaughey, from the committee on propositions and grievances, to whom was referred a bill (and petition) to authorise the county court of Greene county to perform certain duties, report the bill and recommend its passage. Said bill was read a 2nd time and passed.

Mr. Gordon, from the joint committee on banks, made the following report:

The undersigned, members of the joint committee on banks, beg leave to report that they have, in compliance with the resolution of the General Assembly, adopted on the 28th January, 1836, destroyed by burning notes of the bank of the State of Tennessee, which were issued by and made payable at the principal bank at Nashville, the sum of fifty thousand two hundred and seventy dollars and eighty eight cents.

($54,270 88.)

Respectfully submitted,

Signed

JAMES A. WHITESIDE,
ELIJAH BODDIE,
B. GORDON.

Said report was read and ordered to the table.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: The House of Representative are now ready to receive the Senate, for the purpose of going into the elections set apart for this day,

And then he withdrew.

Whereupon the speaker and gentlemen of the Senate, repaired to the Hall of the House of Representatives, the resolution being read that called the two Houses together, the two Houses proceeded first to the election of a treasurer for the State. Mr. Miller Francis, Robert H. McEwen and Thomas Crutcher in nomination.

The vote of the Senate was,

For Miller Francis.	Thomas Crutcher.	Robert H. McEwen.
Webster,	Brown,	Henderson,
Armstrong,	Childress,	McGaughey,
Graves,	Craighead,	Moore,
Gray,	Gordon,	Powell,
Love,	Johnson,	Robertson,
Morford,	Ledbetter,	Cahal,
Reagan,	Motley,	Hynds,
Rogers,	Trousdale,	
Totten,		
Vernon,		
10	8	7

There being no election the two Houses proceeded in like manner to a second voting, Mr. Crutcher withdrawn.

The vote of the Senate was,

For Miller Francis.	Thomas Crutcher,	Robert H. McEwen.
Webster,	Brown,	Cahal,
Armstrong,	Gordon,	Craighead,
Graves,		Childress,
Gray,		Henderson,
Johnson,		Hynds,
Love,		Ledbetter,
Morford,		McGaughey,
Reagan,		Motley,
Rogers,		Moore,
Totten,		Powell,
Vernon,		Robertson,
		Trousdale.
11	2	12

The vote of the House of Representatives being continued and had and the result announced, the Speaker of the Senate declared Miller Francis to be duly and constitutionally elected Treasurer of the State for the ensuing two years.

The two Houses then proceeded in like manner to the election of a comptroller for the State. Mr. Memucan H. Howard and Mr. Daniel Graham in nomination.

The vote of the Senate was,

For Daniel Graham.	For Memucan H. Howard.
Webster,	Armstrong,
Childress,	Brown,
Craighead,	Cahal,
Gray,	Gordon,
Ledbetter,	Graves,
Moore,	Henderson,
Morford,	Hynds,
Motley,	Johnson,
Powell,	Love,
Trousdale,	McGaughey,
	Reagan,
	Robertson,
	Rogers,
	Totten,
	Vernon,
10.	15.

The vote of the House of Representatives being continued and had, and the result announced the Speaker of the Senate declared Memucan H. Howard to be duly and constitutionally elected comptroller of the State for the ensuing two years.

The two Houses proceeded in like manner to the election of a Register for East Tennessee. Mr. Drury P. Armstrong in nomination.

The vote of the Senate was,

For Drury P. Armstrong.

Mr. Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

The vote of the House of Representatives being continued and had and the result announced, the Speaker of the Senate declared Mr. Drury P. Armstrong, to be duly and constitutionally elected Register for East Tennessee, for the ensuing four years.

Register for the Hiwassee District.

The vote of the Senate was,

For James H. Bridges		Jesse H. Benton,
Webster,	Armstrong,	Love,
Brown,	Childress,	Morford,
Craighead,	Gordon,	
Graves,	Gray,	
Henderson,	Hynds,	
Johnson,	Ledbetter,	
McGaughey,	Moore,	
Motley,	Powell,	
Reagan,	Robertson,	
Rogers,	Totten,	
Trousdale,	Vernon,	
22		2

The vote of the House of Representatives being continued and had and the result announced, the Speaker of the Senate declared James H. Bridges to be duly and constitutionally elected Register of the Hiwassee district for the ensuing four years.

The two Houses in like manner proceeded to the election of a Register for the Mountain district. Mr. Richard Nelson in nomination.

The vote of the Senate was,

For Richard Nelson,

Mr. Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, McGaughey, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

The vote of the House of Representatives being continued and had and the result announced, the Speaker of the Senate declared Richard Nelson to be duly and constitutionally elected Register for the Mountain district, for the ensuing four years.

The two Houses proceeded in like manner to elect a Register for Middle Tennessee. Mr. Hugh W. McGavock and John Bransford in nomination.

The vote of the Senate was,

For Hugh W. McGavock.	John Bransford.
Webster,	Armstrong,
Brown,	Graves,
Cahal,	Gray,
Childress,	Ledbetter,
Craighead,	Love,
Gordon,	Motley,
Henderson,	Powell,
Hynds,	Reagan,
Johnson,	Robertson,
McGaughey,	Rogers,
Moore,	Trousdale,
Morford,	Vernon,
Totten,	
13	12

The vote of the House of Representatives being continued and had and the result announced, the Speaker of the Senate declared John Bransford to be duly and constitutionally elected Register for Middle Tennessee, for the ensuing four years.

The two Houses in like manner proceeded to elect a Register for the Western District. Mr. Alexander G. Nelson and Henry Strange in nomination.

The vote of the Senate was,

For Alexander G. Nelson.		Henry Strange.
Webster,	Armstrong,	Gordon,
Brown,	Childress,	Henderson,
Craighead,	Graves,	Trousdale,
Gray,	Hynds,	
Johnson,	Ledbetter,	
Love,	McGaughey,	
Moore,	Morford,	
Motley,	Powell,	
Reagan,	Robertson,	
Rogers,	Totten,	
	Vernon,	
	21	3

The vote of the House of Representatives being continued and had and the result announced, the Speaker of the Senate declared Alexander G. Nelson to be duly and constitutionally elected Register of the Western District, for the ensuing four years.

Mr. Speaker and gentlemen of the Senate, then repaired to their own chamber.

Mr. Ledbetter, from the committee on enrollments, reported as correctly enrolled, an act supplemental to an act passed January 8th, 1836, to establish the county of Coffee; and an act to incorporate the Murfreesborough, Manchester and Winchester turnpike company.

The Speaker signed said enrolled acts, and ordered that they be transmitted to the House of Representatives.

A bill from the House of Representatives to authorise the citizens of the civil district, including the town of Upper Elkton, in Giles [county] to elect an additional justice of the peace, and for other purposes, was taken up read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. Speaker: The House of Representatives have taken up and considered the several amendments of the Senate, to a bill making an appropriation of money to clear out the obstructions in the East fork of Obed's river, and concur in all of said amendments except the amendment to the first section. And then he withdrew.

The Senate insists upon their amendment to the first section of the bill,

and propose a committee of conference on said amendment, and have appointed Mr. Armstrong, Motley and Gray, to be of said committee on the part of the Senate, in which they ask the concurrence of the House of Representatives.

A bill to amend an act passed the first day of January, 1830, entitled an act to amend an act for the benefit of the Beans station turnpike road was taken up.

Mr. Graves moved to amend said bill by adding the name of A. Arwine, as an additional commissioner of said road.

Which motion failed.

The bill was then read a third time and passed.

A bill to authorize the county court of Wayne, to sell a part of the public square, in the town of Waynesborough, was taken up.

Mr. Gordon offered an amendment in lieu of the whole bill from the enacting clause, except the fourth section;

Which was accepted.

The bill as amended, was read a third time and passed.

Mr. Morford moved to take up a bill, dividing the State into districts, for the purpose of electing electors of President and Vice President,

Which motion prevailed.

Mr. Ledbetter moved to lay said bill on the table,

Which motion failed.

Mr. Henderson moved to lay said bill on the table, and the sense of the Senate being had thereon, it was determined in the negative—ayes 10, noes 13.

The ayes and noes being demanded by Mr. Henderson, seconded by Mr. Love, the affirmative voters are.

Mr. Speaker Webster, Brown, Graves, Henderson, Hynds, Ledbetter, Motley, Powell, Robertson, and Rogers—10.

The nagative voters are,

Mr. Armstrong, Childress, Gordon, Gray, Johnson, Love, McGaughey, Moore, Morford, Reagan, Totten, Trousdale, and Vernon—13.

Mr. Trousdale moved, that the Senate do now adjourn till Monday morning 9 o'clock, and the sense of the Senate being had thereon, it was determined in the affirmative—ayes 11, noes 10.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Reagan, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Craighead, Henderson, Johnson, Love, Powell, Rogers, Totten and Trousdale—11.

The negative voters are,

Mr. Speaker Webster, Gordon, Graves, Gray, Hynds, Ledbetter, Moore, Reagan, Robertson and Vernon—10.

MONDAY, FEBRUARY 8th, 1836.

Mr Vernon presented the following communication from Mr. McGaughey, to wit:

Nashville, February 8th, 1836.

Mr. Speaker and Gentlemen of the Senate:

It is known to you, that for the last two months or more, my health has been on the decline, in consequence of which, I have come to the conclusion, that it is my duty to endeavor to reach home. You may be assured, that nothing could have been more contrary to my feelings and wishes, than to be compelled to leave the seat among you, with which I have been honored by the kind partialities of the people of Green and Hawkins counties.

It is true the present session of the Legislature is drawing to a close, and a great portion of the most important business is finished, yet I much regret not having an opportunity to give my vote upon the final action of the bill, carrying into opperation a liberal system of Internal Imvrovement. The people of the State, particularly that portion of them, residing East of Cumberland mountain, are all alive in relation to this all important subject; but it is before an intelligent Senate, and I have no hesitation in believing, that you will make such a disposition of it as will comport with the best interests of our country.

In taking my leave of you, I cannot help tendering you my unfeigned thanks for the many manifestations of kindness which I have received at your hands during our session.

I am strongly inclined to the belief, that we shall never again meet in the halls of legislation, as I have come to the determination to abandon public life. My continued bad health during the present session, has admonished me of the necessity of this course. I earnestly [hope] that the labors of the present session, in organizing the government under the provisions of our amended Constitution, may not only be crowned with success, but that you may also be blest with health to return to your families and constituents, and enjoy the reward of their approbation.

Respectfully,

JOHN McGAUGHEY.

P. S. I hope the Senate will give me leave of absence during the balance of the session.

The above communication was read and ordered to be entered upon the journal, and leave of absence was granted to him for the balance of the session.

The Chair presented a communication from George S. Yerger, reporter of the State, in obedience to a resolution of the General Assembly, adopted the day of January, 1836, calling upon him for certain information relation to the delivering the reports to the clerks of the different counties this State.

Said communication was read, and on motion of Mr. Hynds, it was referred, gether with a bill to prescribe the mode of publishing the decisions of the upreme court.

Mr. Ledbetter introduced a bill, to authorize a town to be laid off in the unty of Rutherford, to be called Millersburg,

Which was read a first time and passed.

A bill supplemental to an act entitled an act, to establish circuit courts, ssed at the present session of the General Assembly, was taken up, read

a 3rd time, and the qūestion, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 17, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Brown, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Moore, Morford, Powell, Reagan, Rogers, Totten and Vernon—17.

There being no voters in the negative.

A bill dividing the State into districts for the purpose of electing electors to elect a president and vice president of the United States, came up as the unfinished business of Saturday.

Mr. Henderson offered an amendment in lieu of said bill, from the words "a bill," and the sense of the Senate being had thereon, it was determined in the affirmative—ayes 9, noes 8.

The ayes and noes being demanded by Mr. Rogers, seconded by Mr. Ledbetter, the affirmative voters are, Mr. Speaker Webster, Brown, Childress, Graves, Gray, Henderson, Hynds, Ledbetter, and Rogers—9.

The negative voters are,

Mr. Gordon, Johnson, Moore, Morford, Powell, Reagan, Totten and Vernon—8.

The bill as amended was then read a second time and passed.

Mr. Brown submitted the following:

Whereas, by the resolution of this legislature, passed the second day of February, 1836, the executive of this State is required to open a correspondence with the executive of the State of Mississippi, on the subject of the boundary between the two States, as run and marked under the authority of this State by Thompson, and commonly called Thompson's line.

Resolved by the General Assembly of the State of Tennessee, that in the event the State of Mississippi should not agree to the confirmation and establishment of the aforesaid line as already run, and should propose a joint co-operation in running said line, in accordance with the observations and latitude heretofore made by the mathematicians that have taken the same on the part of the respective States, the Executive of this State be, and he is hereby authorized and required to appoint a suitable person to act in conjunction with such person or persons as may be appointed by the State of Mississippi in running said line.

Mr. Vernon submitted the following:

Resolved, by the General Assembly of the State of Tennessee, that the public printer be required to forward to each clerk of the different counties in the State, one copy of the public acts passed at the present session, in pamphlet form, so soon after the rise of the session as practicable.

On motion of Mr. Vernon the rule requiring resolutions to lie one day on the table was suspended and the resolution adopted.

Mr. Moore asked and obtained leave to withdraw for amendment "a bill to establish the county of Marshall."

The Senate took up, read and concurred with a resolution from the House of Representatives to appoint a committee to investigate the accounts of Miller Francis, late Treasurer of East Tennessee.

Whereupon, the chair appointed Mr. Craighead, Childress and Hynds to be of said committee on the part of the Senate.

A bill to incorporate the Nashville Marine and Fire Insurance and Life and Trust Company, was taken up.

Mr. Johnson moved to amend said bill by adding to the fourth clause of the 5th section a proviso, which was accepted.

Mr. Craighead moved to strike out the second and third provisions of the fifth section, and the sense of the Senate being had thereon, it was determined in the affirmative—ayes 13, noes 5.

The ayes and noes being demanded by Mr. Gordon, seconded by Mr. Craighead—the affirmative voters are Mr. Craighead, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Moore, Motley, Powell, Reagan, Rogers and Vernon—13.

The negative voters are Mr. Armstrong, Brown, Johnson, Morford and Totten—5.

Mr. Craighead moved to strike out the fourth provision in the fifth section, which motion prevailed.

Mr. Craighead moved to strike out the fifth provision of said section, which motion failed.

Mr. Craighead moved to strike out the seventh provision of said section, which motion prevailed.

Mr. Johnson moved to strike out $400,000 for the purpose of inserting $500,000 as the capital stock of said company, which motion was agreed to.

On motion of Mr. Johnson the different blanks in the bill were filled.

Mr. Johnson moved to strike out $500,000 in the 15th section of the bill for the purpose of inserting $600,000, which motion failed.

Mr. Ledbetter moved to strike out the 15th section of the bill, which motion prevailed.

Mr. Johnson offered an additional section to the bill, which was accepted.

The bill was then read as amended a third time, and the question being had, shall the bill pass? it was determined in the negative—ayes 9, noes 9.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Childress, Craighead, Gordon, Henderson, Johnson, Moore and Totten—9.

The negative voters are, Mr. Gordon, Gray, Hynds, Ledbetter, Motley, Powell, Reagan, Rogers and Vernon—9.

So said bill was rejected.

A resolution from the House of Representatives directing the sheriff of Davidson county to hold an election, &c. was taken up, read and concurred in.

A bill authorizing the citizens of the civil district including upper Elkton in Giles county, to elect one additional justice of the peace, in pursuance of the 15th section of the 6th article of the constitution, was taken up, read a second time and passed.

Mr. Armstrong from the committee of conference on the Senate's amendment to a bill from the House of Representatives, making an appropriation of money to clear out obstructions in the east fork of Obed's river, striking out two hundred and fifty dollars and inserting five hundred dollars, reports

that the committee have agreed to retain the amount of the Senate. All of which is respectfully submitted.

Signed, H. C. ARMSTRONG, *Chnirman.*

Said report was concurred in by the Senate.

A bill to authorize the county court of Greene county to perform certain duties, was taken up, read a third time and passed.

A bill to repeal the second section of an act passed December 21st, 1831, entitled, "an act requiring acts of a public and general nature to be bound," was taken up.

Mr. Hynds moved to strike out the words "and to be considered public acts," which was agreed to.

The bill was thereupon read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 9, noes 10.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Armstrong, Graves, Gray, Henderson, Hynds, Powell, Rogers, Totten and Vernon—9.

The negative voters are, Mr. Speaker Webster, Brown, Childress, Craighead, Gordon, Johnson, Ledbetter, Moore, Motley and Reagan—10.

So said bill was rejected.

A bill to equalize the stay law of the State, was taken up.

Mr. Moore moved to strike out one hundred and twenty and insert ninety days, which motion failed.

Mr. Totten offered an amendment in lieu of the whole bill from the words "a bill."

Mr. Ledbetter moved to fill the second blank in the original bill with "six months," which motion having precedence, the question was thereon had and determined in the affirmative—ayes 9, noes 8.

The ayes and noes being demanded by Mr. Henderson, seconded by Mr. Gordon, the affirmative votes are, Mr. Speaker Webster, Armstrong, Gray, Hynds, Johnson, Ledbetter, Powell, Reagan and Vernon—9.

The negative voters are, Mr. Childress, Gordon, Graves, Henderson, Moore, Motley, Rogers and Totten—8.

The question then recurred on the amendment offered by Mr. Totten in lieu of the bill from the word "a bill."

Mr. Henderson moved to amend said amendment by striking out "four months" for the purpose of inserting "two months," and the sense of the Senate being had thereon, it was determined in the negative— ayes 8 noes 9.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Ledbetter,

The affirmative voters are, Mr. Speaker Webster, Childress, Gordon, Graves, Henderson, Motley, Rogers and Totten—8.

The negative voters are, Mr. Armstrong, Gray, Hynds, Johnson, Ledbetter, Moore, Powell, Reagan and Vernon—9.

Mr. Childress moved to amend said amendment by striking out "four months" and inserting "one hundred and eighty days," and the sense of the Senate being had on said amendment it was determined in the negative—ayes 7, noes 12.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Totten,

The affirmative voters are, Mr. Brown, Childress, Gordon, Henderson, Motley, Rogers and Totten—7.

The negative voters are Mr. Speaker Webster, Armstrong, Graves, Gray, Hynds, Johnson, Ledbetter, Moore, Morford, Powell, Reagan and Vernon—12.

Mr. Henderson moved to amend said amendment by striking out "four months" and inserting "five," and the sense of the Senate being had thereon it was determined in the affirmative—Ayes 10, noes 9.

The ayes and noes being demanded by Mr. Totten, seconded by Mr. Henderson,

The affirmative voters are, Mr. Speaker Webster, Brown, Gordon, Graves, Gray, Henderson, Morford, Motley, Rogers and Totten—10.

The negative voters are Mr. Armstrong, Childress, Hynds, Johnson, Ledbetter, Moore, Powell, Reagan and Vernon—9.

The question was then taken upon the amendment as amended, and determined in the negative—ayes 8, noes 11.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Hynds,

The affirmative votors are, Mr. Speaker Webster, Brown, Childress, Graves, Henderson, Motley, Rogers and Totten—8.

The negative voters are, Mr. Armstrong, Gordon, Gray, Hynds, Johnson, Ledbetter, Moore, Morford, Powell, Reagan and Vernon—11.

The question then recurred upon the passage of the bill, and the question being had, Shall the bill pass? on its third reading, it was determined in the negative—ayes 8 noes 11.

The ayes and noes being required by the constitution,

The affirmative voters are, Mr. Speaker Webster, Armstrong, Gray, Johnson, Ledbetter, Powell, Reagan, Rogers and Vernon—9.

The negative voters are, Mr. Brown, Childress, Gordon, Graves, Henderson, Hynds, Moore, Morford, Motley and Totten—11.

A bill to amend the act incorporating the town of Clarksville, and to increase and extend the powers of the mayor and aldermen of said town, was taken up.

Mr. Johnson moved to strike out of the bill the words "of all cases of action arising in the limits," which motion failed.

Mr. Johnson offered an amendment of two sections in lieu of the seventh section of the bill, which was accepted.

The bill was amended, read a second time and passed.

A bill from the House of Representatives to incorporate the Madison female academy, was taken up, read a first time and passed.

A bill supplemental to an act to establish the county of Cannon was taken up.

Mr. Ledbetter moved to amend said bill by changing the time of holding the circuit court of said county, to the 3d Monday of March, July and November, which motion prevailed.

Mr. Speaker Webster (then on the floor) asked and obtained leave to withdraw said bill for amendment.

Mr. Moore moved a re-consideration of the vote rejecting the bill equalizing the stay laws of this State, and the sense of the Senate being had thereon it was determined in the affirmative—ayes 13, noes 6.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr.Gray,

The affirmative voters are, Mr. Speaker Webster, Brown, Craighead, Gordon,Graves, Henderson, Johnson, Ledbetter, Moore, Motley, Reagan, Rogers and Totten—13.

The negative voters are, Mr. Armstrong, Childress, Gray, Hynds, Morford, and Vernon—6.

Mr. Gordon moved a re-consideration of the vote rejecting the amendment of Mr. Totten offered in lieu of the bill just reconsidered, and the sense of the Senate being had on said motion, it was determined in the negative—ayes 10, noes 10.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Ledbetter,

The affirmative voters are Mr. Speaker Webster, Brown, Craighead, Gordon, Graves, Henderson, Moore, Motley, Rogers and Totten—10.

The negative voters are, Mr. Armstrong, Childress, Gray, Hynds, Johnson, Ledbetter, Morford, Powell, Reagan and Vernon—10.

The question then recurred on the passage of the bill, and determined in the negative—ayes 10 noes 10.

The ayes and noes being required by the constitution,

The affirmative voters are, Mr. Speaker Webster, Armstrong, Craighead, Gray, Johnson, Ledbetter, Powell, Reagan, Rogers and Vernon—10.

The negative voters are, Mr. Brown, Childress, Gordon, Graves, Henderson, Hynds, Moore, Morford, Motley and Totten—10.

So said bill was rejected.

A bill to incorporate the Union Mills, in the county of Haywood and State of Tennessee, was taken up, read a second time and rejected.

A bill concerning executors and administrators was taken up.

Mr. Henderson moved to amend said bill by adding thereto a proviso, which was rejected.

The bill was thereupon read a second time and rejected.

A bill from the House of Representatives to change the time of holding the circuit court in Fentress county, was taken up, read a first time and passed.

A bill to extend the charter of the Nashville, Murfreesboro' and Shelbyville turnpike company;

A bill to incorporate the Richland turnpike company;

A bill to incorporate the Obion turnpike company, and

A bill to explain and amend an act abolishing imprisonment for debt in case of fraud, passed in 1831, chapter 40;

Were severally read a second time and passed.

A bill to authorize Lewis Miller, Joseph Ferrell and Thomas Mode to lay off a town on their lands in Campbell county, was taken up on its third reading.

Mr. Brown moved the indefinite postponement of said bill, which motion prevailed and the bill was rejected.

A bill to authorize Ephraim Burket and Burwell Beard to lay off a town on their own land in Humphreys county, was taken up on its third reading.

Mr. Totten moved the indefinite postponement of the bill, which motion prevailed and the bill was rejected.

A bill for the relief of Allen D. Gentry, of Monroe county, was taken up on its second reading.

Mr. Totten moved the indefinite postponement of the bill, which motion prevailed and the bill was rejected.

A bill to repeal so much of the first section of an act passed the 26th November, 1833, as exempts from execution one farm horse, mule or yoke of oxen, was taken up on its second reading.

Mr. Brown moved the indefinite postponement of the bill, and the sense of the Senate being had on said motion it was determined in the negative—ayes 9 noes 9.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Gordon,

The affirmative voters are, Mr. Speaker Webster, Brown, Childress, Craighead, Graves, Gray, Henderson, Johnson and Totten—9.

The negative voters are Mr. Armstrong, Gordon, Hynds, Ledbetter, Motley, Powell, Reagan, Rogers and Vernon—9.

The question was then taken upon the passage of the bill upon its second reading and determined in the negative—ayes 8, noes 10.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Gordon,

The affirmative voters are, Mr. Armstrong, Gordon, Hynds, Motley, Powell, Reagan, Rogers and Vernon—8.

The negative voters are, Mr. Speaker Webster, Brown, Childress, Craighead, Graves, Gray, Henderson, Johnson, Ledbetter and Totten—10.

So said bill was rejected.

A bill giving further time to the enterers and purchasers of land in the Hiwassee district to obtain their grants, was taken up, read a first time and passed.

A bill to amend an act entitled an act to enable the citizens of Monroe county to erect a court house in the town of Madisonville in said county, was taken up, read a second time and rejected.

A bill to improve the navigation of Watauga river, in Carter county, was taken up, and on motion of Mr. Powell he had leave to withdraw said bill for amendment.

A bill giving further time for making surveys and obtaining grants thereon, was taken up on its second reading.

Mr. Moore moved the indefinite postponement of said bill, which motion prevailed and the bill was rejected.

A bill to repeal an act passed December 2d, 1831, chapter 81, and

A bill to authorize sheriffs in certain cases to make deeds,

Were severally read a second time and rejected.

A bill for the benefit of Nancy Kenneday, Wm. McKamy and John Callaway, sen., was taken up and amended on motion of Mr. Vernon, read as amended a second time and passed.

On motion of Mr. Reagan said bill was referred to a select committee of three.

The Chair appointed Messrs. Ledbetter, Gordon and Johnson to be of said committee.

The Senate took up and considered the amendment of the House of Representatives to a bill (of the Senate) to authorize the clerks of courts of record in this State, to take the probate or acknowledgment of the assignment of plats and certificates of survey and location, and concur therein with an amendment thereto;

Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A bill to authorize the issuance of grants in certain cases was taken up read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 12, noes 6.

The ayes and noes being required by the constitution,

The affirmative voters are, Mr. Speaker Webster, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Moore, Motley, Rogers and Totten—12.

The negative voters are, Mr. Armstrong, Graves, Hynds, Powell, Reagan and Vernon—6.

A bill to repeal an act passed by the general assembly of the State of Tennessee, on the 15th December, 1831, entitled "an act to tax the retailers of spiritous liquors and to appropriate the moneys arising therefrom to the use of education and common schools," was taken up.

Mr. Vernon moved to lay said bill on the table till the 15th day of March next, which motion prevailed.

A bill from the House of Representatives to incorporate the inhabitants of the town of Rogersville, and

A bill to prevent the publication or circulation in this State, of seditious pamphlets and papers,

Were severally taken up, read a first time and passed.

Mr. Motley moved a reconsideration of the vote of the Senate to day, rejecting a bill to incorporate the Nashville Marine and Fire Insurance, and Life and Trust Company, which motion prevailed.

The Senate then adjourned.

TUESDAY, FEBRUARY 9th, 1836.

Mr. Hynds, from the committee on internal improvement, to whom was referred the memorial of sundry citizens of Gibson, Dyer, Obion and Weakley, praying an appropriation of money, to clear out the obstructions in the Obion river, reported, that the committee have had the same under consideration, and had instructed him to ask to be discharged from the further consideration thereof;

Said report was concurred in, and the memorial ordered to the table.

Mr. Moore, from the select committee, on so much of the Governor's

message as relates to the public arms of the State, made the following report:

The select committee, to whom was referred so much of the Governor's message, as relates to the public arms belonging to the state, have had the same under consideration, and beg leave to make the following report:

Your committee are of opinion, that the public arms ought to be kept under the special care of one person, and that they should be kept in perfect order for use, particularly at a time like the present. They are of opinion, that we have no assurance, that they may not be shortly needed for public use. On this subject, your committee would not wish to speculate or predict approaching events, but they are of opinion, that the Executive of the State is the most fit person to have charge of the public arms and munitions of war; as he is, by the fifth section of the third article of the constitution, made Cammander-in-Chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States.

Your committee would also recommend the passage of a law, authorizing the Governor to arm volunteer companies, who will hold themselves in readiness to enter the service of the State or of the United States, when called on. To carry those objects into effect, your committee would beg leave to report a bill, to provide for the safe keeping of the public arms, and for arming volunteer companies; all of which is respectfully submitted,

W. MOORE, Chairman.

Said report was concurred in, and the bill read a first time and passed.

Mr. Speaker Webster, (then on the floor,) returned a bill supplemental to an act, to establish the county of Cannon, with an amendment, as an additional section to the bill, which was accepted; the bill read as amended, a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 17, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Moore, Powell, Reagan, Rogers and Vernon—17.

The negative voter is,

Mr. Totten—1.

A bill to amend the act incorporating the town of Clarksville, and to increase and extend the powers of the Mayor and Aldermen of said town;

Mr. Childress moved to amend said bill by adding additional sections to the bill.

Mr. Vernon moved to amend said amendment by striking out the word "civil or," which motion prevailed and the amendment was adopted.

The words "civil or" was stricken out of the second section of the bill.

Mr. Johnson moved to strike out the "proviso" to the seventh section of the bill, and insert an amendment in lieu thereof.

Which was agreed to.

The bill was thereupon read a third time and passed.

A bill to incorporate the Nashville and Lebanon turnpike company was taken up read a first time and passed.

A bill to provide for the appointment of a collector of the revenue and to define his duties, was taken up.

Mr. Gray moved to amend said bill by inserting the word "containing" after the word "land," in the 10th line of the 4th section.

Which motion prevailed.

Mr. Henderson offered an amendment in lieu of all that part of the bill from the word "taxes" in the 3d line of the 4th section, to the 14th section of the bill.

Said bill and amendment was ordered to the table.

A bill to establish the county of Marshall, was taken [up] and read a third time.

Mr. Cahal moved to amend said bill by adding four additional sections thereto.

Mr. speaker Webster (then on the floor) moved for leave to withdraw said bill and amendment for amendment.

And the sense of the Senate being had on said motion, it was determined in the affirmative—ayes 15, noes 2.

The ayes and noes being demanded by Mr. Webster, seconded by Mr. Hynds, the affirmative voters are,

Mr. speaker Webster, Armstrong, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Moore, Reagan, Rogers, Totten and Vernon—15.

The negative voters are Mr. Cahal and Powell—2

On motion of Mr. Childress, the Senate again took up the bill to provide for the appointment of a collector of the revenue and to define his duties, together with the amendment of Mr. Henderson.

The question was then taken on the amendment of Mr. Henderson, and determined in the negative—ayes 8, noes 10.

The ayes and noes being demanded by Mr. Henderson, seconded by Mr. Totten, the affirmative voters are,

Mr. Graves, Henderson, Ledbetter, Powell, Reagan, Rogers, Totten and Vernon—8.

The negative voters are,

Mr. Armstrong, Brown, Childress, Craighead, Gordon, Gray, Hynds, Moore, Morford and Motley—10.

Mr. Vernon moved a call of the Senate, which was ordered.

The Senators present were, Mr. Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Moore, Motley, Powell, Reagan, Rogers, Totten and Vernon—16.

Mr. McGaughey was absent by leave of the Senate; Mr. Love and Cahal from indisposition. There being no quorum present, the Senate adjourned till two o'clock in the evening.

EVENING SESSION, 2 O'CLOCK.

The hour of two having arrived, Mr. Powell took the chair.

Mr. Hynds moved a call of the Senate, which was ordered.

The following Senators answered to their names, to wit: Mr. Armstrong,

Childress, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Moore, Motley, Powell, Reagan, Rogers, Totten and Vernon—15.

A quorum was soon after had, and the Senate resumed the consideration of the unfinished business of the morning session, it being the bill to provide for the appointment of a collecter of the revenue and to define his duties.

Mr. Gray moved to amend the 8th section of the bill, by striking out "March" and inserting "July," also insert after the word "next" in the last line of said section, the words "and succeeding day or days."

Which was agreed to.

Mr. Totten moved to amend the 5th section of the bill, by inserting after the word "thereupon" in the third line thereof, "the clerk shall."

Which motion prevailed.

Mr. Gray moved to amend the 13th section of the bill by striking out "January," and insert "April 1836, and forever thereafter on or before the first day of October." Which was agreed to.

Mr. Totten moved to strike out "January" in the 6th line of the 14th section, and insert "April." Which was agreed to.

Mr. Childress moved to strike out the additional section to the bill proposed by him, and agreed to by the Senate on the second reading of the bill.

Which motion prevailed.

Mr. Henderson moved to amend the 18th section of the bill by inserting the following, after the word "that" in the 8th line of said section, to wit:

"Said list fully sets forth the name of each delinquent in his county, the amount of tax he owes, and the nature and kind of taxable subjects from which derived, and the year for which it accrued and that."

Which was agreed to.

Mr. Henderson moved further to amend said section by inserting after the word "made," in the 13th line of said section, "and subscribed upon the same paper containing said list and filed."

Which was also agreed to.

Mr. Gordon moved to amend the 12th section of the bill by striking out of the 3rd line the words, "time prescribed by law," and insert in lieu thereof "within twelve months after the day of sale."

Which motion prevailed.

Mr. Johnson moved to amend said bill by adding thereto an additional section. And the sense of the Senate being had thereon, it was determined in the negative—ayes 8, noes 9.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Hynds, the affirmative voters are,

Mr. speaker Webster, Armstrong, Graves, Henderson, Hynds, Johnson, Motley and Powell—8.

The negative voters are,

Mr. Childress, Gordon, Gray, Ledbetter, Moore, Reagan, Rogers, Totten and Vernon—9.

Mr. Henderson moved to amend the 12th section of the bill by inserting after the word "paid" in the 5th line, "year or years for which it was sold."

Which was agreed to.

Mr. Henderson moved to amend the 13th section of the bill by adding to

the end thereof the following, to wit: "but should said collector fail to pay over all monies by him collected, or which should have been collected at the time pointed out by this act, he shall not be allowed any commission in his settlement with the treasurer or county trustee."

Said amendment was rejected.

The bill was then read a third time as amended, and the question Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 15, noes 2.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Childress, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Moore, Motley, Powell, Reagan, Rogers and Vernon—15.

The negative voters are Mr. Henderson and Totten—2.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. Speaker: The House of Representatives concur in the report of the committee of conference, on the Senate's amendment to the bill making an appropriation of money to clear out obstructions in the East fork of Obed's river.

The speaker of the House of Representatives, did this day sign enrolled acts of the following titles, to wit: an act to amend an act to establish East Tennessee college, and to appoint additional trustees for the same; an act to amend an act passed the first day of January, 1830, entitled an act for the benefit of the Beans station turnpike road; and an act making an appropriation of money, to clear out obstructions in the East fork of Obed's river.

The speaker of the Senate signed said enrolled acts and ordered that they be deposited in the office of the Secretary of State.

A bill to incorporate the Franklin and Columbia turnpike company was taken up.

Mr. Childress moved to strike out the name of Richard Swanson, and insert in lieu thereof the name of William P. Campbell.

Which was agreed to.

Mr. Childress moved to amend the section of the bill, by inserting the words "one hundred" preceding the words "ninety-nine."

Which motion prevailed.

The bill as amended was then read a second time and passed.

A bill to authorise the citizens in the civil district including Upper Elkton in Giles county, to elect an additional justice of the peace in pursuance of the 15th section of the 6th article of the constitution, and for other purposes; and a bill to change the time of holding the circuit courts in Fentress county were severally read a second time and passed.

A bill to provide for removing the county seat of Humphreys county was taken up.

Mr. Gray moved to amend said bill by striking out "two days" and insert "ten days," as the length of time to give notice before the sale of the court house in Reynoldsburg.

Which was agreed to.

The bill was then read a second time and passed.

A bill to incorporate the Obion turnpike company was taken up and read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 17, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Moore, Morford, Motley, Powell, Reagan, Rogers and Totten—17.

The negative voter is Mr. Vernon—1.

A bill to incorporate the town of Dover, in the county of Stuart, and the town of Alexandria in the county of Smith, was taken up read a first time and passed.

A bill to incorporate the Madison female academy, was taken up read a second time and passed.

A bill from the House of Representatives, extending the limits of the corporation of the town of Brownsville in the county of Haywood, and to amend an act of the General Assembly passed November 1st, 1826, incorporating the inhabitants of the town of Brownsville in Haywood county, was taken up read a first time and passed.

Mr. Brown moved a reconsideration of the vote of yesterday rejecting the bill to equalise the stay laws of this State.

And the sense of the Senate being had on said motion, it was determined in the affirmative—ayes 11, noes 6.

The ayes and noes being demanded by Mr. Hynds, seconded by Mr. Rogers, the affirmative voters are,

Mr. Armstrong, Brown, Craighead, Gordon, Graves, Henderson, Moore, Motley, Powell, Rogers and Totten—11.

The negative voters are,

Mr. Childress, Gray, Hynds, Reagan, Trousdale and Vernen—6.

Mr. Brown moved to refer said bill to the judiciary committee, which motion prevailed.

A bill to explain and amend an act entitled an act to abolish imprisonment for debt except in cases of fraud, passed in 1831, chapter 40, was taken up.

Mr. Henderson moved to amend said bill by adding thereto an additional section. Said amendment was rejected.

The bill was then read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 12, noes 5.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Craighead, Gordon, Graves, Gray, Hynds, Moore, Motley, Powell, Totten and Trousdale—12.

The negative voters are,

Mr. Childress, Henderson, Reagan, Rogers and Vernon—5.

A bill to explain and amend an act entitled an act to amend the registration laws of this State, and for other purposes, passed in 1831, chapter 90; and also to amend an act passed in 1833, chapter 92, entitled an act to amend the registration laws of this State, and regulating the probate of deeds and

ther instruments, was taken up read a third time and the question being had, Shall the bill pass? it was determined in the negative—ayes 8, noes 9.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Craighead, Gray, Henderson, Moore, Powell and Totten—8.

The negative voters are,

Mr. Childress, Gordon, Graves, Hynds, Motley, Reagan, Rogers, Trousdale and Vernon—9.

So said bill was rejected.

A bill to revive an act passed in 1831, establishing the general ticket system in this State, to elect electors to vote for President and Vice President of the United States, was taken up read a third time and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 9, noes 9.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Graves, Gray, Henderson, Hynds, Motley and Rogers—9.

The negative voters are,

Mr. Craighead, Gordon, Johnson, Moore, Powell, Reagan, Totten, Trousdale and Vernon—9.

So said bill was rejected.

At a quarter before 8 o'clock P. M., Mr. Henderson moved that the roll of the Senate be called, which being ordered, the following Senators answered to their names; to wit:

Mr. Armstrong, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Moore, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—16.

There being no quorum the Senate adjourned till 9 o'clock to-morrow morning.

WEDNESDAY, FEBRUARY 10th, 1836.

Mr. Hynds, from the judiciary committee, to whom was referred a bill to prescribe the mode of publishing the decisions of the supreme court, reported the same with amendments in lieu of the 3rd and 5th sections of the bill, and with those amendments to recommend the passage of the bill.

The said amendments were concurred in.

Mr. Totten moved to amend said bill by adding thereto an additional section. Which was accepted.

The bill as amended was read a 3rd time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 18, noes 3.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Brown, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Ledbetter, Morford, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—18.

The negative voters are,

Mr. Armstrong, Graves and Moore—3.

Mr. Craighead moved a reconsideration of the vote of yesterday, rejecting the bill to revive the act of the 14th September, 1832, in relation to the election of electors to vote for President and Vice President of the United States.

Which motion prevailed.

On motion of Mr. Henderson, said bill was ordered to the table and made the special order of the day for Friday next.

Mr. Ledbetter, from the committee on enrollments, reported as correctly enrolled, an act to establish a precinct for holding elections in Cade's Cove and Tucaleechy Cove in Blount county, and for other purposes; and an act to incorporate the Clarksville and Russelville rail road company.

The speaker signed said enrolled acts and ordered that they be transmitted to the House of Representatives.

Mr. speaker Webster, (then on the floor) returned a bill withdrawn by him for amendment, to establish the county of Marshall, with sundry amendments thereto.

Mr. Moore moved to strike out of the amendments of Mr. speaker Webster, all that part that relates to Giles county.

And the sense of the Senate being had thereon, it was detetmined in the negative—ayes 5, noes 17.

The ayes and noes being demanded by Mr. Moore, seconded by Mr. Hynds, the affirmate voters are,

Mr. Johnson, Love, Moore, Morford and Trousdale—5.

The negative voters are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Motley, Powell, Reagan, Rogers, Totten and Vernon—17.

Mr. Moore, moved further to amend said amendment, by striking out the "first Thursday in March" and insert in lieu thereof the "third Saturday in February," as the time for holding the election in that part of Lincoln county proposed to be stricken off into Marshall county, as to whether they will come into said new county.

Which motion failed.

Mr. Cahal moved to strike out "March" and insert "April,"

Which was agreed to.

The bill was then read a 3rd time, and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 19, noes 4.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Craighead, Gordon, Graves, Gray, Hendersen, Hynds, Johnson, Ledbetter, Love, Motley, Powell, Reagan, Rogers, Totten and Vernon,—19.

The negative voters are,

Mr. Childress, Moore, Morford and Trousdale—4.

A bill to establish the county of Bradley, was taken up.

Mr. Reagan moved to strike out "Bradley," and insert "Cleveland, in honor of, and to perpetuate the memory of Col. Benjamin Cleveland, one of the Heroes of King's Mountain," which motion was rejected.

Mr. Reagan moved to amend the 3rd section of the bill, by fixing the place for holding courts in said county,

Which amendment was accepted.

Mr. Webster moved, that when the county seat is established for said county, that said town shall be called "Cleveland," in honor of Col. Benjamin Cleveland; which motion prevailed.

The bill was then read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 13, noes 10.

The ayes and noes being requred by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Graves, Love, Moore, Morford, Reagan, Rogers, Totten and Vernon—13.

The negative voters are,

Mr. Cahal, Gordon, Gray, Henderson, Hynds, Johnson, Ledbetter, Motley, Powell and Trousdale—10.

A bill to change the time of holding the circuit court of Fentress county, was taken up, read a third time and passed—ayes 18, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Moore, Motley, Powell, Reagan, Rogers, Trousdale and Vernon—18.

The negative voter is,

Mr. Morford—1.

Mr. Ledbetter introduced a bill, more effectually to secure the estates of minors, which was read a first time and passed.

A bill to incorporate a company, to be called the Lebanon and Nashville turnpike company, was taken up, read a second time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives, did this day sign an enrolled resolution, to appoint a joint select committee, to investigate the accounts of Miller Frances, late treasurer of East Tennessee;

And then he withdrew.

The Speaker of the Senate signed said enrolled resolution, and ordered that it be deposited in the office of the Secretary of State.

A bill from the House of Representatives, to add additional territory to the county of Benton, was taken up, read a first time and passed.

A bill to incorporate the Nashville Marine, Fire Insurance and Life and Trust Company, was taken up.

Mr. Johnson moved to strike out the 5th clause of the 5th section of the bill, which motion failed.

Mr. Johnson moved to strike out that part of the bill, which requires one

fourth of one per cent, as a bonus, and insert $1,250 in lieu thereof, as an annual bonus to the State; and the sense of the Senate being had thereon, it was determined in the affirmative—ayes 17, noes 2.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Hynds, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Love, Moore, Powell, Reagan, Rogers, Trousdale and Vernon—17.

The negative voters are,

Mr. Ledbetter and Motley—2.

The bill was then read a 3rd time, and the quesfion, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 15, noes 5.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Gray, Henderson, Hynds, Johnson, Love Moore, Rogers, Trousdale and Vernon, —15.

The negative voters are,

Mr. Graves, Ledbetter, Motley, Powell and Reagan—5.

Mr. Trousdale introduced a bill to provide for the electing of an additional justice of the peace for the corporation of the town of Hartsville, in Sumner county, which was read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have taken up, and considered the amendments of the Senate to bills from the House of Representatives of the following titles, to wit:

A bill to authorize the issuance of grants in certain cases, and a bill supplemental to an act, entitled an act, to establish the county of Cannon, in which amendments they concur.

They also concur in the amendment of the Senate, to the amendment of the amendment of the House of Representatives, to a bill from the Senate, to authorize the clerks of the courts of record in this State, to take the probate or acknowledgement of the assignment of platts and certificates of survey and location.

The House of Representatives have taken up, and considered the preamble and resolutions from the Senate, on the subject of our relations with France, in which preamble and resolutions, they concur, with sundry amendments thereto, herewith transmitted, in which they ask the concurrence of the Senate; and then he withdrew.

The Senate concurred in the several amendments proposed by the House of Representatives, to the preamble and resolutions, upon the subject of our relations with France.

A bill to lay off a town in the county of Rutherford, to be called Millersburg, [was taken up.]

Mr. Ledbetter offered an amendment in lieu of said bill, from the words "a bill," which was accepted.

The bill as amended was read a 2nd time. Mr. Brown moved the inde-

finite postponement of said bill, which motion prevailed, and the bill was rejected.

The Senate took up and considered the amendment proposed by the House of Representative in lieu of a bill from the Senate from the enacting clause thereof, to amend an act entitled an act to appoint suitable persons to open, and keep in repair that part of the road, leading from South West Point, to Carthage, which lies on Cumberland Mountain, passed 12th December, 1815, and concur therein. Ordered that the clerk acquaint the House of Representatives therewith.

The Senate recedes from their amendment to the amendment of the House of Representatives to a bill of the Senate to provide for the electing registers for the issuance of grants in this State, which was non-concurred in by the House of Representatives.

Ordered, that the clerk acquaint the House of Representatives therewith.

The Senate concur with so much of the amendment of the House of Representatives to the Senate's bill to ascertain the compensation to be allowed to the speakers, members, officers, and governor and secretary of State, as strikes out that part of the bill relating to the pay of the clerk's and door keepers, and propose a committee of conference as to the amendment to said bill relative to the pay of the speakers of the two houses of the general assembly, and have appointed Messrs. Trousdale, Gray and Hynds to be of said committee on the part of the Senate.

Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A message from the House of Representatives by Mr. Mitchell, their clerk.

Mr. Speaker: The House of Representatives have taken up and considered of the amendments of the Senate to a bill to prescribe the duties and to define the jurisdiction of justices of the peace; and they concur in all the amendments proposed by the Senate except the amendments striking out the 3d, 4th, 5th and 6th sections, the amendment to the 9th section, the amendment to the 10th section, the amendment striking out the 13th section, and the amendment proposed by the Senate as the 21st section of the bill, in all of which last mentioned amendments they non-concur, and propose an amendment in lieu of the Senate's amendment offered as the 21st section, marked "A," herewith transmitted, and they propose a committee of conference on the disagreement of the two houses on said amendments, and have appointed Messrs. Caruthers, Guild, Cullom, Gordon, Ready and McLain, on their part, in which they ask the concurrence of the Senate, and then he withdrew.

The Senate adhere to their said several amendments to said bill, non-concurred in by the House of Representatives, and concur with the proposition of the House of Representatives to [appoint] a committee of conference on the disagreement of the two houses to said amendments, and have appointed Messrs. Childress, Johnson, Totten, Gray, Hynds and Vernon, to be of said committee on the part of the Senate. Ordered that the clerk acquaint the House of Representatives therewith.

A resolution from the House of Representatives proposing to adjourn *sin-*

die, on Monday the 22d day of February, 1836, and a joint resolution directory to the committee on finance, were severally taken up, read and concurred in.

A resolution from the House of Representatives directory to the public printer, was also taken up, read and concurred in.

A bill to declare the north and middle forks of Obion river, in Weakley county, navigable, was taken up, read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 20, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Brown, Childress, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—20.

There being no negative votes.

A bill to provide for the removal of the seat of justice for Humphreys county was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 21, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Brown, Armstrong, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Reagan, Rogers, Totten and Vernon—21.

There being no voters in the negative.

A bill to amend the penal laws of this State was taken up and read a third time.

Mr. Hynds moved to amend said bill by inserting after the word "slave," in the third line of the second section, "knowing said slave to be a runaway," which was accepted. The question, Shall the bill pass? as amended, being had, it was determined in the affirmative—ayes 21, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell, Reagan, Rogers, Totten and Trousdale—21.

The negative voter is Mr. Vernon—1.

A bill to authorize a *nole prosequi* to be entered in certain cases, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 15, noes 7.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Morford, Motley, Powell, Rogers, Totten and Trousdale—15.

The negative voters are, Mr. Brown, Hynds, Ledbetter, Love, Moore, Reagan and Vernon—7.

A bill from the House of Representatives to amend an act entitled an act passed 30th November, 1833, entitled, "an act for the relief of the citizens of Covington," was taken up, read a first time and passed.

A bill to incorporate the Madison female academy, was taken up;

Mr. Henderson offered an amendment to said bill by way of an additional section, which was accepted.

Mr. Henderson moved to amend the caption of the bill by inserting after the word "Madison," "and Wesley," which was agreed to. The bill was then read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 16, noes 3.

The ayes and noes being required by the constitution. The affirmative voters are Mr. Speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Henderson, Johnson, Love, Moore, Motley, Reagan, Totten, Trousdale and Vernon—16.

The negative voters are, Mr. Hynds, Powell and Rogers 3.

A message from the House of Representatives by Mr. Mitchell their clerk.

Mr. Speaker: The House of Representatives have taken up and considered the Senate's amendments to the House's bill to establish the county of Rutledge, and concur in all of said amendments, and then he withdrew.

A bill from the House of Representatives more effectually to subject property in this State, belonging to non-resident debtors, to the payment of their debts due citizens of this State, and for other purposes, was taken up, read a first time and passed.

A resolution from the House of Representatives giving instruction to the sheriff of Davidsen county in a certain election, was taken up, read and non-concurred in.

A resolution from the House of Representatives appointing commissioners to lay off Bradley county into civil districts, was taken up, read and concurred in.

A bill from the House of Representatives to amend an act entitled "an act to establish chancery courts, passed at the present session of the general assembly," was taken up, read a first time and passed.

A bill from the House of Representatives to appoint an attorney general for the State, was taken up and read.

Mr. Hynds moved the indefinite postponement of the bill, which motion failed.

The bill then passed a first reading.

A message from the House of Representatives by Mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives insist upon their resolution giving instructions to the sheriff of Davidson county in a certain election non-concurred in by the Senate, and again ask the concurrence of the Senate therein. The Senate concurred in said resolution with an amendment thereto. Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

The Senate then adjourned till this evening half after 6 o'clock.

EVENING SESSION, HALF PAST 6 O'CLOCK.

The hour of seven having arrived, Mr. Childress took the chair, there being no quorum,

Mr. Gray moved a call of the Senate, which was ordered, and the following Senators answered to their names, to wit: Mr. Speaker Webster, Armstrong, Childress, Gordon, Graves, Gray, Henderson, Hynds, Moore, Motley, Powell, Reagan, Totten, Trousdale and Vernon—15.

A quorum soon after appearing the Senate ordered up a bill from the House of Representatives to amend the several acts prescribing the duties of entry takers, and a bill to punish grantees and owners of turnpike roads for demanding toll improperly and contrary to law; both of which were read a first time and passed.

A bill from the House of Representatives to repeal the 2d, 3d and 4th sections of an act entitled "an act to amend the judiciary system of this State," passed the 15th December, 1831; a bill to prescribe certain duties to be performed by the clerks of the several courts in this State; a bill to repeal so much of the 6th section of an act passed at the present session, to provide for electing a governor, representatives, &c. as relates to the election of surveyors and entry takers; a bill to increase the penal bonds of sheriffs; a bill making further provisions for the payment of messengers sent by the executive of this State for criminals to other States; a bill to authorize the sale in certain cases of estates belonging to minors, and a bill to provide for correcting mistakes in entries on location of warrants; all of which were severally taken up, read a first time and passed.

A bill to prevent the publication and circulation of seditious pamphlets and papers, was taken up and read a 2nd time.

Mr. Trousdale moved to strike out "sermon" in the 3rd section of the bill.

And the sense of the Senate being had on said motion, it was determined in the negative—ayes 6, noes 11.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Armstrong, the affirmative voters are,

Mr. speaker Webster, Henderson, Hynds, Ledbetter, Trousdale and Vernon—6.

The negative voters are,

Mr. Armstrong, Childress, Gordon, Graves, Gray, Johnson, Moore, Motley, Powell, Reagan and Totten—11.

The bill was then passed a second time.

Mr. Armstrong introduced a bill to enable the citizens of Overton county to erect a court house and jail in the town of Livingston.

Which was read a first time and passed.

A bill from the House of Representatives, to authorise guardians in other States, to remove the property of minors to the State and county where the miners reside; and a bill to amend the several acts of the General Assembly prescribing the manner of paying cost in criminal cases, above the grade of petit larceny; both of which were severally taken up read a first time and passed.

A bill to extend the limits of the town of Brownsville in the county of Haywood, and to amend an act of the General Assembly, passed November 1st, 1826, incorporating the inhabitants of the town of Brownsville in Haywood county was taken up.

Mr. Henderson offered an amendment to said bill.

And the sense of the Senate being had thereon, it was determined in the negative—ayes 8; noes 10.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Reagan, the affirmative voters are,

Mr. Childress, Gordon, Gray, Henderson, Johnson, Totten and Trousdale—8.

The negative voters are,

Mr. speaker Webster, Armstrong, Graves, Hynds, Ledbetter, Moore, Motley, Powell, Reagan and Vernon—10.

The bill was then read a 2nd time and passed.

A bill from the House of Representatives, for the benefit of Abraham Miller; a bill to declare Wolf river navigable in Fentress county; a bill to incorporate the female academy in the town of Clarksville in the county of Montgomery; a bill to authorise the Governor and Secretary of State to cancel the bonds of the State, and for other purposes; a bill to incorporate the Columbia female institute; a bill to provide for the election of a coroner and ranger in the several counties of this State, agreeable to the 1st section of the 7th article of the constitution; a bill to alter the line between Blount and Monroe counties; a bill making compensation to Pryor Lea, for services rendered to the State; a bill to provide for the payment of costs in certain cases; and a bill to provide for the refunding of money in certain cases, were severally taken up read a first time and passed.

The three last named bills were referred to the committee on claims.

A bill for the benefit of William Rayless, surveyor general of the Hiwassee district, was taken up read a 2nd time passed, and referred to the committee on claims.

A bill to amend an act entitled an act requiring the acts of a public and general nature to be bound, passed 21st December, 1831, and a bill to incorporate the inhabitants of the town of Rogersville, were severally taken up read a 2nd time and passed.

The Senate then adjourned.

THURSDAY, FEBRUARY 11th, 1836.

Mr. Hynds introduced a bill to define the duty of the Governor of this State, in appointing directors for the State to the Union bank of Tennessee, which was read a first time and passed.

On motion of Mr. Johnson, the Senate took up a resolution heretofore submitted by him, authorising the employment of counsel to institute suit on behalf of the State, against the President, Directors, &c. of the Union bank for the bonus, dividends and interest claimed to be due the State by the bank.

Mr. Gray moved to lay said resolution upon the table, and the sense of the Senate being had thereon, it was determined in the negative—ayes 9, noes 12.

The ayes and noes being demanded by Mr. Totten, seconded by Mr. Johnson; the affirmative voters are, Mr. Cahal, Childress, Craighead, Gordon, Gray, Henderson, Ledbetter, Moore and Morford—9.

The negative voters are, Mr. Speaker Webster, Armstrong, Brown, Graves, Hynds, Johnson, Motley, Powell, Reagan, Totten, Trousdale and Vernon—12.

Mr. Gordon moved a division of the question, which motion prevailed; the first and third resolutions were then adopted.

The question was then had upon the adoption of the second resolution, which is as follows, to wit:

And also, be it resolved, that said committee employ counsel to prosecute the *scire facias* against the Union bank, in pursuance of the resolution adopted by the Senate on the day of January, 1836, and determined in the affirmative—ayes 12, noes 9.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Gordon; the affirmative voters are Mr. Speaker Webster, Graves, Henderson, Hynds, Johnson, Moore, Motley, Powell, Reagan, Totten, Trousdale and Vernon—12.

The negative voters are, Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Ledbetter and Morford—9.

A message from the House of Representatives by Mr. Mitchell, their clerk;

Mr. Speaker: The speaker of the House of Representatives has signed enrolled acts of the following titles, to wit;

An act to provide for the electing a treasurer of the State and to define his duties, and an act setting forth the property, real and personal, and the privileges and occupation liable to taxation in this State; and then he withdrew.

The speaker of the Senate signed said enrolled acts and ordered that they be deposited in the office of the Secretary of State.

A message from the House of Representatives by Mr. Mitchell, their clerk;

Mr. Speaker: The House of Representatives concur in the amendments proposed by the Senate, to a bill to provide for the appointment of a collector of the revenue and to define his duties. A bill to amend the act incorporating the town of Clarksville and to increase and extend the powers of the mayor and aldermen of said town. A bill to prescribe the mode of publishing the decisions of the supreme court; and a bill to incorporate the Madison female academy.

The House of Representatives concur in the message of the Senate proposing another committee of conference on that part of the amendment of the House to the bill to ascertain the compensation to be allowed to the members and officers of the general assembly, which relates to the pay of the speakers of the two houses—and have appointed Messrs. Campbell of Smith, Bullock, Rogers of Hawkins, Strother and Nicholson to be of said committee on their part, and then he withdrew.

Mr. Gordon introduced a bill to designate capital crimes of slaves, which was read a first time and passed.

Mr. Ledbetter returned a bill withdrawn by him to repeal an act entitled "an act to tax the retailers of spiritous liquors, and to appropriate the moneys arising therefrom to the use of common schools," passed December 15th 1831, with an amendment to come in at the end of the first section, and an additional section to the bill, which was accepted.

Mr. Cahal moved to strike out "twenty-five dollars" and insert in lieu thereof "fifty dollars," which motion failed.

Mr. Cahal moved to strike out "twenty-five dollars" for the purpose of inserting in lieu thereof "forty dollars," and the sense of the Senate being had on said motion, it was determined in the negative—ayes 4, noes 13.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Webster; the affirmative voters are, Mr. Speaker Webster, Cahal, Henderson and Trousdale—4.

The negative voters are,

Mr. Armstrong, Brown, Gordon, Graves, Hynds, Johnson, Ledbetter, Moore, Morford, Motley, Powell, Reagan and Vernon—13.

Mr. Cahal moved to strike out $25, for the purpose of inserting $30,

Which motion failed.

Mr. Graves moved to strike out $25, and insert $15,

Which motion failed.

The bill was then read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 14, noes 5.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Brown, Cahal, Gordon, Gray, Henderson, Johnson, Ledbetter, Moore, Motley, Reagan, Totten, Trousdale and Vernon—14.

The negative voters are,

Mr. Armstrong, Graves, Hynds, Morford, and Powell—5.

A resolution from the House of Representatives, rescinding the appointment of William McGregor, as one of the commissioners for laying off the county of Warren, into civil divisions, and the appointing of Hugh Lawson Hill in his stead, was taken up, read and concurred in.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr Speaker; The Speaker of the House of Representatives did this day sign enrolled acts of the following titles, to wit:

An act to provide for the appointment of commissioners, to take a list of taxable property and polls, and to define their duties; An act to authorize the citizens of the civil districts, including the town of Upper Elkton, in Giles county, to elect an additional justice of the peace, in pursuance of the 15th section of the 6th article of the constitution, and for other purposes; An act to authorize a nole prosequi to be entered in certain cases; And an act to change the time of holding the circuit court in Fentress county. He did also this day sign the following enrolled resolutions to wit:

A resolution directory to the public printer; and a resolution directory to the committee on finance,

And then he withdrew.

The Speaker of the Senate signed said enrolled acts and resolutions, and ordered that they be deposited in the office of the Secretary of State.

Mr. Reagan introduced a bill to provide for the recovery of debts due upon judgment, destroyed by fire in the county of Monroe; and,

Mr. Gordon a bill to amend an act, passed 1821, chapter 14, and an act

passed 1822, chapter 35, on the subject of forcible entry and detainer, and unlawful detainer, both of which were read a first time and passed.

The last named bill was withdrawn by Mr. Cahal for amendment.

A bill to enable the citizens of Overton county, to pay for the erecting of a court house and jail in said county, was taken up, read a 2nd time and rejected.

A bill from the House of Representatives, to appoint a board of common school commissioners, to secure and appropriate the common school fund; to distribute the same, and to organize a system of common schools, was taken up, read a first time, passed, and referred, on Mr. Ledbeter's motion, to the committee on education and common schools.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives have read a third time and passed a bill from the Senate, to establish the county of Powell, with sundry amendments thereto, herewith transmitted, in which they ask the concurrance of the Senate, and then he withdrew.

The Senate concur with said amendments, ordered that the clerk acquaint the House of Representatives therewith.

Mr. Childress, from the committee of conference upon the subject of the amendments of the Senate to the bill prescribing the duties, and defining the jurisdiction of justices of the peace, have instructed me to report as follows:

First, the committee are in favor of the 3rd section as it stands in the original bill, and recommend the rejection of the Senate's amendment thereto.

Mr. Cahal moved a non-concurrence with this part of the report, and the sense of the Senate being had thereon it was determined in the affirmative —ayes 12, noes 7.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Graves, the affirmative voters are Mr. Speaker Webster, Armstrong, Cahal, Gordon, Graves, Gray, Ledbetter, Moore, Motley, Powell, Reagan and Trousdale—12.

The negative voters are, Mr. Brown, Childress, Craighead, Henderson, Hynds, Totten and Vernon—7.

So the first part of said report was non-concurred in.

Secondly—They report in favor of the amendment in lieu of the 4th, 5th and 6th sections of the original bill. This part of the report of the committee was concurred in by the Senate.

Thirdly—They report unfavorably to the amendment made to the ninth section, and recommend its rejection; the sense of the Senate being had on concurring with this part of the report of the committee of conference, it was determined in the negative—ayes 6, noes 14.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Cahal; the affirmative voters are, Mr. Childress, Craighead, Graves, Gray, Totten and Vernon—6.

The negative voters are, Mr. Speaker Webster, Armstrong, Brown, Cahal, Gordon, Henderson, Hynds, Ledbetter, Moore, Morford, Motley, Reagan, Powell and Trousdale—14.

So the third part of said report is non-concurred in by the Senate.

Fourthly—They are in favor of the amendment to the 10th section.

Fifthly—They are in favor of the Senate's amendment striking out the eleventh section. The Senate concurred with the 4th and 5th part of the report of the committee.

Sixthly—They are in favor of retaining the 13th section of the original bill; and the sense of the Senate being had on concurring with this part of the report of the committee of conference, it was determined in the negative—ayes 10, noes 11.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Graves; the affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gray, Johnson, Ledbetter, Totten and Vernon—10.

The negative voters are, Mr. Cahal, Gordon, Graves, Henderson, Hynds, Moore, Morford, Motley, Powell, Reagan, and Trousdale—11.

So the sixth part of said report was non-concurred with by the Senate.

Seventhly—They also report in favor of the amendment of the House, in lieu of the Senate's amendment to, and in lieu of the 21st section.

The Senate concurred in the 7th part of the report of the committee.

A bill to add additional territory to the county of Benton was taken up, read a second time and passed.

Mr. Ledbetter, from the select committee to whom was referred "a bill for the benefit of Nancy Kennedy, William McKamy and John Callaway, sen." reported that the committee have had the same under consideration and had instructed him to report unfavorable as to the claims of Nancy Kennedy, and Wm. McKamy, and favorable as to the claim of John Callaway. They also recommend that the bill be so amended as to allow John Callaway interest upon the money paid by him. Said report was concurred in.

The bill was then read a third time as amended, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 16, noes 3.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Moore, Motley, Reagan and Vernon—16.

The negatives are, Mr. Powell, Totten and Trousdale—3.

A message from the House of Representatives by Mr. Mitchell their clerk;

Mr. Speaker: The House of Representatives have taken up and considered the preamble and resolution from the Senate, directing a *scire facias* to issue against the Union Bank of the State of Tennessee, to repeal its charter, and concur in the preamble to said resolution, but non-concur in the resolution, and propose a resolution in lieu of the one non-concurred with, herewith transmitted, in which they ask the concurrence of the Senate, and then he withdrew; the sense of the Senate being had on concurring with the amendment proposed by the House of Representatives in lieu of the one now concurred in by the House of Representatives, it was determined in the negative—ayes 8, noes 13.

The ayes and noes being demanded by Mr. Gordon, seconded by Mr. Cahal; the affirmative voters are, Mr. Brown, Cahal, Childress, Craighead, Gordon, Graves, Ledbetter and Morford—8.

The negative voters are, Mr. Speaker Webster, Armstrong, Gray, Henderson, Hynds, Johnson, Moore, Motley, Powell, Reagan, Totten, Trousdale and Vernon—13.

So said amendment was non-concurred in by the Senate.

Ordered that the clerk acquaint the House of Representatives therewith.

A bill to incorporate the Franklin and Columbia turnpike company was taken up.

Mr. Moore offered to amend said bill by adding additional sections to the bill, which was accepted.

Mr. Cahal moved to amend said bill by striking out the name of John H. Pointer, as one of the commissioners of said road, and insert the name of Garrett L. Voorhies and John Smizer, of Maury county, as commissioners of said road, which was agreed to.

Mr. Childress moved to insert the name of William Fleming, of Williamson county, as one of the commissioners of said road, which was agreed to.

The bill as amended was then read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 20, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Moore, Motley, Powell, Reagan, Totten, Trousdale, and Vernon—20.

There being no votes in the negative.

The Senate then adjourned.

FRIDAY, FEBRUARY 12th, 1836.

Mr. Trousdale introduced a bill to alter the time of holding the chancery courts of Smith county and the circuit court of Jackson county, and a bill to authorize the several incorporated towns in the State of Tennessee to elect a town constable; both of which were severally read a first time and passed.

A resolution from the House of Representatives concerning the north boundary line of Tennessee was taken up, read and concurred with.

A bill from the House of Representatives to prescribe the mode of choosing electors to vote for president and vice president of the United States, was taken up and read.

Mr. Childress moved to refer said bill, together with the Senate's bill upon the same subject, to the committee on privileges and elections; which motion failed.

The bill then passed a first reading.

A bill from the House of Representatives to divide the militia of this State into companies, battalions, regiments, brigades and divisions, and to prescribe the time and mode of electing officers, was taken up, read a first time and passed.

On motion of Mr. Moore said bill, together with a bill of the Senate's to

provide for the safe keeping of the public arms, and for arming volunteer companies, was referred to the committee on military affairs.

A bill for the relief of tax collectors in certain cases was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 12, noes 8.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Graves, Johnson, Ledbetter, Moore, Powell, Reagan, Robertson, Totten and Vernon—12.

The negative voters are, Mr. Cahal, Childress, Craighead, Gordon, Gray, Henderson, Motley and Trousdale—8.

A bill to provide for the electing of an additional justice of the peace for the corporation of the town of Hartsville, in Sumner county, was taken up and read a second time and passed.

A bill to incorporate a company to be called the Richland turnpike company, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 20, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Cahal, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter Moore, Morford, Motley, Powell, Reagan, Robinson, Totten, Trousdale and Vernon—20.

There being no negative voters.

A message from the House of Representatives by Mr. Mitchell their clerk;

Mr. Speaker: The House of Representatives concur in the report of the committee of conference on the amendments of the Senate, non-concurred in by the House to a bill to prescribe the duties and define the jurisdiction of justices of the peace. The speaker of the House of Representatives did this day sign enrolled acts and resolutions with the following titles, to wit:—An act to amend the penal laws of this State; an act to declare the north and middle forks of Obion river, in Weakley county, navigable; an act to prescribe the mode of publishing the decisions of the supreme court, and an act to authorize the issuance of grants in certain cases; a resolution directory to the public printer, and a resolution appointing commissioners to lay off the county of Bradley into civil districts, and then he withdrew.

The speaker of the Senate signed said enrolled acts and resolutions, and ordered that they be deposited in the office of Secretary of State.

A bill more effectually to subject property in this State belonging to non-resident debtors, to the payment of their debts due citizens of this State, and for other purposes, was taken up, read a second time and passed.

A bill more effectually to secure the estates of minors was taken up;

Mr. Cahal moved to amend said bill by striking out the word "two" in the 12th line of the first section, and insert in lieu thereof the word "four," which was agreed to.

The bill was then read a second time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 12, noes 8.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Hynds; the affirmative voters are, Mr. Armstrong, Cahal, Gordon, Graves,

Gray, Henderson, Hynds, Ledbetter, Motley, Powell, Reagan and Robertson—12.

The negative voters are, Mr. Speaker Webster, Childress, Craighead, Johnson, Moore, Totten, Trousdale and Vernon—8.

A bill to incorporate a company to be called the Nashville and Lebanon turnpike company, was taken up;

Mr. Craighead moved to amend said bill by adding the names of Thomas Hardin, James H. Foster, Edward D. Hicks, William G. N. Campbell and Charles J. Love, of Davidson county, and Alfred McLean, Ransey L. Mayson, Joseph Johnson, George Williamson and John Heard of Wilson county, as additional commissioners of said road, which was agreed to.

Mr. Motley offered to amend said bill by adding thereto an additional section, which was agreed to.

The bill was then read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 20, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Moore, Motley, Powell, Reagan, Robertson, Totten, Trousdale and Vernon— 20.

There being no voters in the negative.

A bill to define the duty of the governor of this State in appointing the directors for the State to the Union Bank of Tennessee, was taken up, read a second time and passed.

A bill to designate the capital crimes of slaves, was taken up and read a second time.

Mr. Trousdale moved the indefinite postponement of the bill, which motion failed.

The question was then had, Shall the bill pass? upon its second reading, and determined in the negative—ayes 6, noes 11.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Craighead; the affirmative voters are, Mr. Cahal, Gordon, Graves, Morford, Powell and Totten—6.

The negative voters are, Mr. Speaker Webster, Childress, Craighead, Gray, Henderson, Johnson, Motley, Reagan, Robertson, Trousdale and Vernon—11.

A bill to provide for the recovery of debts due upon judgments destroyed by fire in Monroe county, was taken up read a second time and passed.

A resolution from the House of Representatives rescinding a resolution adopted at the present session of the General Assembly, directory to the Executive of this State, upon the subject of the southern boundary line of this State west of the Tennessee river, was taken up read and concurred in.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. speaker: The House of Representatives have taken up and considered the Senate's amendment to and in lieu of a bill, (from the House of Representatives, from the words a bill) to repeal an act entitled an act to tax the retailers of spirituous liquors, and to appropriate the monies arising there-

from to the use of common schools, passed December 15th, 1831, and non-concur therewith. And then he withdrew.

Mr. Trousdale moved that the Senate recede from said amendment.

And the sense of the Senate being had thereon, it was determined in the negative—ayes 10, noes 11.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Hynds, the affirmative voters are,

Mr. Cahal, Craighead, Gray, Henderson, Johnson, Moore, Powell, Robertson, Trousdale and Vernon—10.

The negative voters are,

Mr. speaker Webster, Armstrong, Childress, Gordon, Graves, Hynds, Ledbetter, Morford, Motley, Reagan and Totten—11.

So the Senate refused to recede from their amendment.

Ordered that the clerk acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. speaker: The House of Representatives have taken up and considered the several amendments of the Senate, to a bill from the House of Representatives for the relief of the occupants south and west of the congressional reservation line and for other purposes, and non-concur with all of said amendments except these constituting the 16th and 17th sections to the bill, with which they concur. And then he withdrew.

The Senate adhere to their amendments to said bill non-concurred in by the House of Representatives, and propose a committee of conference on said amendments.

The chair appointed Messrs. Gordon, Henderson and Craighead, to be of said committee on the part of the Senate.

Ordered, that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

A bill to incorporate the town of Dover in the county of Stewart, and the town of Alexandria in the county of Smith, was taken up.

Mr. Totten moved to amend said bill by adding thereto an additional section. Which was accepted.

The bill read a second time and passed.

A bill to authorise the President, Directors & Co. of the Union bank to establish a branch at Randolph in Tipton county, and at Carthage in Smith county, and for other purposes, was taken up read a 1st time and passed.

A bill to authorise the Governor and Secretary of State to cancel the bonds of the State, and for other purposes, was taken up read a second time and rejected.

A bill to provide for the election of an Attorney General for the State, was taken up read a second time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 12, noes 7.

The ayes and noes being demanded by Mr. Henderson, seconded by Mr. Gordon, the affirmative voters are,

Mr. Cahal, Childress, Craighead, Gordon, Gray, Henderson, Moore, Morford, Motley, Powell, Totten and Trousdale—12.

The negative voters are,

Mr. speaker Webster, Armstrong, Graves, Hynds, Reagan, Robertson and Vernon—7.

Mr. Cahal introduced a bill to raise a regiment of mounted volunteers to aid in the suppression of Indian hostilities in Florida, which was read a first time and passed.

A bill to amend the several acts prescribing the duties of entry takers.

A bill to prescribe certain duties to be performed by the clerks of the different courts of this State.

A bill to declare Wolf river navigable in Fentress and Overton counties.

A bill to provide for correcting mistakes in entries or location of warrants.

A bill to amend an act passed 30th November, 1833, entitled an act for the relief of the citizens of Covington.

A bill to run the dividing line between the counties of Blount and Monroe, a bill to repeal the 2nd 3rd and 4th sections of an act entitled an act to amend the judiciary system of Tennessee, passed 15th December, 1831.

All of which said bills were severally taken up read a second time and passed.

A bill to increase the penal bonds of sheriffs, and a bill making further provision for the payment of messengers sent by the Executive of this State for criminals to other States, both of which were severally read a second time and rejected

A bill to authorise the sale in certain cases of real estate belonging to minors, was taken up and read.

On motion of Mr. Ledbetter, he had leave to withdraw said bill for amendment.

A bill giving further time to the purchasers and enterers of lands in the Hiwassee district to obtain their grants, was taken up.

On motion of Mr. Vernon, said bill was ordered to the table till the 15th day of March next.

A bill to provide for the election of a coroner and ranger in the several counties of this State, agreeable to the 1st section of the 7th article of the amended constitution, was taken up and read a second time.

Mr. Cahal moved to strike out the 2nd section of the bill.

Which motion prevailed.

The bill then passed a second time.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. speaker: The House of Representatives propose to re-commit to the committee of conference, the amendments of the Senate non-concurred in by the House, to the bill to prescribe the duties and define the jurisdiction of justices of the peace, in which proposition they ask the concurrence of the Senate. And then he withdrew.

The Senate concur with said proposition.

Ordered, that the clerk acquaint the House of Representatives therewith.

The Senate then adjourned till this evening half past six o'clock.

The Senate met pursuant to adjournment.

Mr. Trousdale moved a call of the Senate, which was ordered, and the ollowing Senators answered to their names, to wit:

Mr. Armstrong, Childress, Gordon, Graves, Gray, Hynds, Ledbetter, Powell, Reagan, Trousdale and Vernon—11.

There being no quorum present Mr. Ledbetter moved that the Senate adjourn till to-morrow morning 9 o'clock.

Which motion failed.

No quorum still appearing Mr. Hynds moved to adjourn till to-morrow morning nine o'clock.

Which motion also failed.

No quorum still appearing Mr. Moore moved that the Senate adjourn till nine o'clock to-morrow morning.

Which motion prevailed.

SATURDAY, FEBRUARY 13th, 1836.

Mr. Johnson introduced a bill (with memorial) for the relief of Nicholas Hobson, which was read a first time passed and referred on his motion to the committee on claims.

On motion of Mr. Craighead, Mr. Brown and Mr. Morford were added to the committee on enrollments.

On motion of Mr. Gordon, Mr. Totten, Armstrong and Cahal, were added to the committee of conference on the bill to provide for the occupants south and west of the congressional reservation line and north of Winchester's line, and for other purposes.

Mr. Vernon, from the committee on Indian affairs, to whom was referred a bill to amend an act passed November 8th, 1833, entitled an act to extend the laws and jurisdiction of this State to her southern limits, and reported that the committee have instructed him to return the bill, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

On motion of Mr. Powell, said bill was ordered to the table.

A bill to incorporate a female academy in the county of Montgomery, was taken up.

Mr. Childress moved to amend said bill by adding thereto an additional section. Which was agreed to.

Mr. Henderson moved further to amend said bill by adding thereto an additional section.

Which was also agreed to.

The bill as amended was then read a third time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. speaker: The speaker of the House of Representatives did this day sign enrolled acts, and a resolution of the following titles, to wit:

An act to provide for the appointment of a collector of the revenue and to define his duties.

An act to provide for removing the county seat of Humphreys county.

An act to incorporate the Madison female academy.

An act to amend an act incorporating the town of Clarksville, and the town of Franklin, and to increase and extend the powers of the mayor and aldermen of said towns, and a resolution giving instructions to the sheriff of Davidson county,

And then he withdrew.

The speaker of the Senate signed said enrolled acts and resolution, and ordered that they be deposited in the office of the Secretary of State.

A bill to provide for the election of an additional justice of the peace for the corporation of the town of Hartsville in Sumner county, was taken up read a third time and passed.

Mr. Cahal returned a bill withdrawn by him for amendment to amend an act passed [in] 1821, chapter 14, and an act passed [in] 1822, chapter 35, on the subject of forcible entry and detainer, and unlawful detainer, with an additional section as an amendment thereto.

Said amendment was accepted.

The bill read a second time and passed.

A bill to define the duty of the Governor of this State in appointing the directors for the State for the Union bank of Tennessee, was taken up.

Mr. Gordon moved to amend said bill by adding an additional section thereto.

Mr. Graves moved to strike out of the amendment of Mr. Gordon $500, for the purpose of inserting $200.

And the sense of the Senate being had thereon it was determined in the negative—ayes 9, noes 10.

The ayes and noes being demanded by Mr. Gordon, seconded by Mr. Craighead, the affirmative voters are,

Mr. speaker Webster, Armstrong, Graves, Gray, Hynds, Moore, Motley, Powell and Robertson—9.

The negative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Johnson, Reagan, Totten, Trousdale and Vernon—10.

Mr. Craighead moved the indefinite postponement of the bill and amendment.

And the sense of the Senate being had thereon it was determined in the negative—ayes 9, noes 10.

The ayes and noes being demanded by Mr Craighead, seconded by Mr. Vernon, the affirmative voters are,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Johnson, Motley, Reagan and Trousdale—9.

The negative voters are,

Mr. speaker Webster, Armstrong, Graves, Henderson, Hynds, Moore, Powell, Robertson, Totten and Vernon—10.

The question then recurred upon the adoption of the amendment offered by Mr. Gordon, and said amendment was rejected.

The bill was then read a third time and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 6, noes 14.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Henderson, Hynds, Powell, Robertson, Totten and Vernon—6.

The negative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Johnson, Moore, Motley, Reagan and Trousdale—14.

Mr. Childress, from the committee of conference on the Senate's amendment to the bill to prescribe the duties and define the jurisdiction of justices of the peace non-concurred in by the House of Representatives, reported that the committee of conference had again had those amendments under consideration, and that the committee had instructed him to report in favor of those amendments.

The Senate concurred in the report of the committee.

Ordered that the clerk acquaint the House of Representatives therewith.

A bill to provide for the recovery of debts due on judgments destroyed by fire in the county of Monroe, was taken up read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 15, noes 5.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Morford, Powell, Reagan, Robertson, Totten and Vernon—15.

The negative voters are,

Mr. Hynds, Johnson, Moore, Motley and Trousdale—5.

Mr. Cahal moved a reconsideration of the vote just taken upon the passage of the above bill.

Which motion prevailed.

Mr. Hynds moved to amend said bill by striking out the preamble to the bill. Which motion prevailed.

Mr. Hynds moved to amend the first section of the bill by striking out the word "was" in the 3rd line, and insert in lieu thereof the words "has been."

Which was agreed to.

Mr. Hynds moved to amend the caption of the bill by striking out the words "in the county of Monroe."

Which was also agreed to.

The question was then had upon the passage of the bill as amended and determined in the affirmative—ayes 14, noes 3.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Powell, Reagan, Robertson, Totten and Vernon—14.

The negative voters are,

Mr. Johnson, Moore and Trousdale—3.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. speaker: The House of Representatives have read a 3rd time and passed a bill from the Senate, to prohibit the drawing of lotteries and vending of lottery tickets, with an amendment thereto herewith transmitted, in which they ask the concurrence of the Senate.

And then he withdrew.

The Senate non-concur with said amendment.

Ordered, that the clerk acquaint the House of Representatives therwith.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. speaker: The House of Representatives recede from their amendment non-concurred in by the Senate, to a bill to prohibit the drawing of lotteries and vending of lottery tickets.

A bill to raise a regiment of mounted volunteers to aid in the suppression of Indian hostilities in Florida, was taken up.

Mr. Johnson moved to strike out the word "one" preceding regiment for the purpose of inserting "two" and to add the word "each" after "1000."

Which was agreed to.

Mr. Armstrong moved to amend said bill by adding a proviso to the section of the bill.

Which was rejected.

The bill was then read a second time and passed.

A bill to amend an act entitled an act requiring acts of a public and general nature to be bound, passed 21st December, 1831, was taken up.

Mr. Totten moved to amend said bill by adding to the end of the first section of the bill, provided that it shall only apply to the acts of the present session of the legislature, which was agreed to.

The bill as amended was then read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 16, noes 3.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Motley, Powell, Totten, Trousdale and Vernon—16.

The negative voters are, Mr. Moore, Reagan and Robertson—3.

A bill to suppress the publication or circulation of seditious pamphlets in this State, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 16, noes 5.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Graves, Gray, Johnson, Moore, Morford, Motley, Powell, Robertson, Totten and Trousdale—16.

The negative voters are, Mr. Gordon, Henderson, Hynds, Reagan and Vernon—5.

A bill to appoint an attorney general for the State, and for other purposes, was taken up, read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 13, noes 8.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Moore, Morford, Motley, Powell and Trousdale—13.

The negative voters are, Mr. Speaker Webster, Armstrong, Graves, Hynds, Reagan, Robertson, Totten and Vernon—8.

A bill to repeal the second, third and fourth sections of an act entitled, "an act to amend the judiciary of this State," passed 15th December, 1831, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 14, noes 5.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Cahal, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Moore, Morford, Powell, Robertson, Totten and Trousdale —14.

The negative voters are, Mr. Armstrong, Brown, Motley, Reagan and Vernon—5.

A bill to alter the dividing line between the counties of Blount and Monroe, was taken up, read a third time and passed.

A message from the House of Representatives by Mr. Mitchell their clerk;

Mr. Speaker: the House of Representatives have read a third time and passed a bill from the Senate to establish the county of Marshall, with sundry amendments thereto, herewith transmitted, in which they ask the concurrence of the Senate, and then he withdrew.

The Senate concur in all of said amendments, with an amendment to the amendment of the House to the fifth section of the bill, to wit: by adding to "Lewis" the word "burg," so as to make it read "Lewisburg;" also, with amendments to the amendments of the House to the 15th section, by striking out "20" and inserting "10;" also, "that the surveyor who runs out Giles county shall make his return on oath;" also, "that the election to be held in that part of Giles proposed to be stricken off into Marshall county, shall be held on the last Thursday in March;" they also propose to strike out the name of Samuel Fogleman in the 12th section of the bill, and insert in lieu thereof the name of Gallaway, near the Big Spring; they also propose an additional section to the bill.

Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr. Armstrong from the committee on military affairs, to whom was referred a bill to divide the militia of this State into companies, battalions, regiments, brigades and divisions, and to prescribe the time and mode of electing officers, reported the bill without amendment.

The bill was then read a second time.

Mr. Cahal moved to amend said bill by striking out of the line of the section of the bill, "forty-five," for the purpose of inserting "forty," which motion failed—ayes 5, noes 15.

The ayes and noes being demanded by Mr. Totten, seconded by Mr. Moore,

The affirmative voters are, Mr. Brown, Cahal, Craighead, Henderson and Totten—5.

The negative voters are, Mr. Speaker Webster, Armstrong, Childress, Gordon, Graves, Gray, Hynds, Johnson, Moore, Morford, Motley, Powell, Reagan, Trousdale and Vernon—15.

Mr. Henderson moved to amend said bill by striking out "2 lieutenant," which motion failed.

Mr. Hynds moved to amend said bill by striking out the first line of the 12th section, which motion prevailed.

Mr. Speaker Webster moved to add Marshall county to the 12th brigade, which was agreed to.

Mr. Reagan moved to add Bradley county to the 6th brigade, which was also agreed to.

The bill as amended was passed a second time, and on motion of Mr. Graves recommitted to the committee on military affairs.

A bill to establish the Franklin Bank of Tennessee, was taken up;

Mr. Childress moved to amend the bill by striking out "five hundred thousand dollars" as the capital stock of said bank, for the purpose of inserting "two million of dollars;" which motion prevailed.

Mr. Childress moved to amend said bill by adding thereto an additional section, and the sense of the Senate being had thereon, it was determined in the negative—ayes 9, noes 10.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Hynds,

The affirmative voters are, Mr. Speaker Webster, Armstrong, Cahal, Childress, Gordon, Hynds, Morford, Powell and Robertson—9.

The negative voters are, Mr. Graves, Gray, Henderson, Johnson, Moore, Motley, Reagan, Totten, Trousdale and Vernon—10.

The bill was then read a second time and passed.

A resolution from the House of Representatives authorizing the governor to raise by permission of the general government, a regiment of volunteer mounted men, to engage in the service of the United States against the Seminole Indians, was taken up, read and concurred with.

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate then adjourned.

MONDAY, FEBRUARY 15th, 1836.

A bill from the House of Representatives to incorporate a company to be called the Nolensville turnpike company, was taken up, read a first time and passed.

A bill to authorize the several incorporated towns in this State to elect a town constable, was taken up, read a second time and passed.

A message from the House of Representatives by Mr. Mitchell their clerk;

Mr. Speaker: The speaker of the House of Representatives did this day sign enrolled acts and resolutions of the following titles, to wit:

An act to alter the line between the counties of Blount and Monroe.

An act for the relief of tax collectors in certain cases.

An act to establish the county of Bradley.

An act to prevent the publication or circulation in this State of seditious pamphlets and papers.

An act to appoint an attorney general of the State, and for other purposes.

A resolution concerning the north boundary line of the State of Tennessee, and

A resolution rescinding a resolution adopted at the present session, directory to the executive of this State.

And then he withdrew.

The speaker of the Senate signed said enrolled acts and resolutions, and ordered that they be deposited in the office of the Secretary of State.

Mr. Johnson from the committee on claims, to whom was referred a bill for the benefit of William Bayless, surveyor general of the Hiwassee District, reported unfavorably of the provisions of the bill for the want of testimony that the labor was done, or that the charge was reasonable.

On motion of Mr. Reagan said bill and report was recommitted to the committee on claims.

Mr. Johnson from the same committee to whom was referred, a bill for the benefit of Abraham Miller, reported unfavorably of the provisions of the bill, because it does not appear that the collector ever settled with the treasurer and paid him the money.

Said bill and report was on motion of Mr. Vernon ordered to the table.

Mr. Johnson from the same committee to whom was referred, a bill to provide for refunding money in certain cases, reported unfavorably of the provisions of the bill and recommends its rejection.

Said report was concurred in, and the bill rejected.

Mr. Johnson from the same committee to whom was referred a bill to provide for the payment of costs in certain cases, reported favorably of the provisions of the bill and recommend its passage.

Said report was concurred in.

The bill was read a second time and passed.

A bill to alter the time of holding the chancery courts of Smith county and the circuit courts of Jackson county was taken up, read a second time and passed.

A bill to incorporate the Memphis Marine and Fire Insurance company, was taken up.

Mr. Totten moved to strike out the 17th section of the bill, which motion prevailed.

Mr. Cahal moved to amend the 20th section of the bill by striking out $500 and insert $750 in lieu thereof.

Which motion prevailed.

Mr. Hynds moved to strike out the 20th section of the bill, and insert the following in lieu thereof:

That in consideration of the privileges conferred by this charter, the company shall pay to the State as a bonus annually $750, which said bonus shall be paid to the treasurer of the State, and is hereby appropriated to the use of common schools, to be divided among the several counties of this State in proportion to their free white population.

Mr. Trousdale moved to strike out all that part of the amendment from the word "State," in the fourth line, and the sense of the Senate being had thereon, it was determined in the affirmative—ayes 12, noes 9.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Totten;

The affirmative voters are, Mr. Armstrong, Cahal, Craighead, Gordon, Gray, Graves, Hynds, Johnson, Moore, Motley, Trousdale and Vernon—12.

The negative voters are,

Mr. speaker Webster, Brown, Childress, Henderson, Morford, Powell, Reagan, Robertson and Totten—9.

The question then recurred upon the adoption of Mr. Hynds' amendment in lieu of the 20th section,

And the sense of the Senate being had thereon, it was detetmined in the negative—ayes 9, noes 12.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Robertson, the affirmate voters are, Mr. Craighead, Graves, Gray, Hynds, Motley, Powell, Reagan, Trousdale and Vernon—9.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Henderson, Johnson, Moore, Morford, Robertson and Totten—12.

The bill was then read a third time as amended, and the question, Shall the bill [pass?] being had thereon, it was determined in the affirmative—ayes 14, noes 7.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Morford, Reagan, Robertson, Totten and Trousdale—14.

The negative voters are,

Mr. Graves, Gray, Hynds, Moore, Motley, Powell and Vernon—7.

Mr. Brown from the committee on enrollments, reported as correctly enrolled,

An act to establish the county of Powell.

An act to prohibit the drawing of lotteries and the vending of lottery tickets, and

A preamble and resolutions upon the subject of our relations with France.

The speaker signed said enrolled acts and resolution, and ordered that they be transmitted to the House of Representatives.

A bill to amend an act passed in 1821, chapter 14, and an act passed in 1822, chapter 35, on the subject of forcible entry and detainer, and unlawful detainer.

Mr. Cahal offered an amendment to the first section of the bill, which was accepted.

The bill as amended [was] read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 9, noes 9.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Gordon, Johnson, Motley, Powell, Reagan and Robertson—9.

The negative voters are,

Mr. Childress, Graves, Gray, Henderson, Hynds, Moore, Totten, Trousdale and Vernon—9.

So said bill was rejected.

A bill to repeal an act of 1833, extending jurisdiction over the Cherokee Indians, was taken up, read a second time, and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 8, noes 9.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Johnson, the affirmative voters are, Mr. Brown, Cahal, Henderson, Johnson, Motley, Powell, Robertson and Trousdale—8.

The negative voters are,

Mr. Armstrong, Childress, Craighead, Graves, Gray, Moore, Reagan, Totten and Vernon—9.

A bill to raise two regiments of mounted volunteers to aid in the suppression of Indian hostilities in the Territory of Florida, was taken up.

Mr. Cahal moved to strike out the word "two," preceding the word "regiment," and insert "one," which was agreed to.

Mr. Cahal moved to strike out of the bill $200,000 and insert in lieu thereof $100,000, which motion prevailed.

Mr. Graves moved to amend said bill by adding an additional section to the bill, to wit:

Section . That if the troops are not received into the service of the United States, the volunteers so raised and marched shall refund the money, and the sense of the Senate being had thereon, it was determined in the negative—ayes 2, noes 19.

The ayes and noes being demanded by Mr. Brown, seconded by Mr. Johnson, the affirmative voters are, Mr. Graves and Henderson—2.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Hynds, Johnson, Moore, Morford, Motley, Powell, Reagan, Robertson, Totten, Trousdale and Vernon—19.

Mr. Henderson moved to strike out the third section of the bill.

Mr. Childress moved to amend the third section of the bill by striking out, "if the general government fail to pay these troops," which motion having precedence, the question was taken thereon, and agreed to.

The question then recurred upon the motion of Mr. Henderson to strike out said section, and the sense of the Senate being had thereon, it was determined in the negative—ayes 10, noes 10.

The ayes and noes being demanded by Mr. Henderson, seconded by Mr. Graves,

The affirmative voters are, Mr. speaker Webster, Craighead, Graves, Gray, Henderson, Hynds, Motley, Reagan, Robertson and Vernon—10.

The negative voters are Mr. Armstrong, Brown, Cahal, Childress, Gordon, Johnson, Moore, Powell, Totten and Trousdale—10.

Mr. Childress offered an amendment to the first part of the first section of the bill, which was accepted.

Mr. Childress moved an amendment to the fourth section of the bill, which was also accepted.

The bill as amended was then read a third time, and the question, Shall

the bill pass? being had thereon, it was determined in the affirmative—ayes 12, noes 8.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Johnson, Moore, Motley, Powell, Reagan, Totten and Vernon—12.

The negative voters are, Mr. Craighead, Gordon, Graves, Gray, Henderson, Hynds, Robertson and Trousdale—8.

Mr, Speaker Webster, then on the floor, submitted a resolution appointing additional commissioners to lay off and locate the county seat for Coffee county.

On motion of Mr. Speaker Webster, the rule requiring resolutions to lie one day on the table was suspended and the resolution adopted.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the several amendments of the Senate to a bill of the House to incorporate the Lebanon and Nashville turnpike company, and concur in said amendments with sundry amendments thereto, herewith transmitted, in which they ask the concurrence of the Senate, and then he withdrew.

On motion of Mr. Craighead the Senate concurred in the said several amendments.

Ordered that the clerk acquaint the House of Representatives therewith.

A bill to incorporate the town of Rogersville, in the county of Hawkins, was taken up;

Mr. Vernon moved to strike out the words "civil and," in the fifth line of the 6th section of the bill, which was agreed to.

Mr. Totten offered an additional section to the bill, which was accepted.

Mr. Hynds moved to amend said sixth section by striking [out] from the first word in the third line to the word "town," in the fourth line, and the words "civil and criminal," in said 4th line, and insert in lieu thereof "violations of the criminal laws of this State that may occur in said town," which motion prevailed.

Mr. Powell moved to strike out the sixth section of the bill, and the sense of the Senate being had thereon it was determined in the negative—ayes 8, noes 11.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Cahal;

The affirmative voters are, Mr. Speaker Webster, Cahal, Gray, Moore, Morford, Motley, Powell and Totten—8.

The negative voters are, Mr. Armstrong, Childress, Gordon, Graves, Henderson, Hynds, Johnson, Reagan, Robertson, Trousdale and Vernon—11.

The bill as amended was then read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 13, noes 7.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Childress, Gordon, Gray, Henderson, Hynds, Johnson, Reagan, Robertson, Totten, Trousdale and Vernon—13.

The negative voters are, Mr. Speaker Webster, Cahal, Graves, Moore, Morford, Motley and Powell—7.

A bill to amend the several acts prescribing the duties of entry takers, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 20, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Moore, Morford, Motley, Powell, Reagan, Robertson, Totten, Trousdale and Vernon—20.

There being no negative voters.

A bill to extend the corporation of the town of Brownsville, in the county of Haywood, and to amend an act of the general assembly passed November 1st, 1826, incorporating the town of Brownsville, in Haywood county, was taken up, read a third time and passed.

Mr. Gordon moved a reconsideration of the vote of to-day, on the passage of the bill to incorporate the town of Rogersville, in the county of Hawkins, which motion prevailed.

Mr. Gordon moved to reconsider the vote refusing to strike out the sixth section of the bill, which motion also prevailed.

Mr. Vernon moved to strike out the 6th section of the bill, which motion prevailed.

The bill was then read a third time and passed.

Mr. Johnson submitted the following:

Resolved by the General Assembly of the State of Tennessee, that the Senate meet the House of Representatives in their hall on to-morrow at 11 o'clock, for the purpose of electing an attorney general for the State.

A bill to incorporate the town of Dover, in the county of Stewart, and the town of Alexandria, in the county of Smith, was taken up.

Mr. Cahal moved to amend said bill by providing for the election of two additional justices of the peace for the town of Columbia, and one for the town of Mount-Pleasant, in Maury county, which motion prevailed.

Mr. Reagan moved further to amend said bill by providing for the election of one additional justice of the peace for the town of Philadelphia, in Monroe county; and Mr. Powell to provide for the election of one additional justice of the peace for the town of Kingsport, in Sullivan county, both of which motions prevailed.

The bill was then read a third time and passed.

A bill to authorise the Union bank of Tennessee to establish a branch at Randolph in Tipton county, at Carthage in Smith county, and at Lagrange in Fayette county, was taken up.

Mr. Henderson offered an additional section to the bill. Which was accepted.

The bill was then read a 2nd time and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 9, noes 10.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Hynds, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Cahal, Childress, Gordon, Henderson, Johnson, Morford and Robertson—9.

The negative voters are,

Mr. Graves, Gray, Hynds, Moore, Motley, Powell, Reagan, Totten, Trousdale and Vernon—10.

And so said bill was rejected.

A bill to attach a part of Henry county to the county of Benton, was taken up read a 3rd time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 18, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Moore, Morford, Motley, Powell, Reagan, Robertson, Totten, Trousdale and Vernon—18.

There being no voters in the negative.

A bill to provide for the correcting of mistakes in entries on locations of warrants, was taken up read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 12, noes 6.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Cahal, Gordon, Graves, Henderson, Johnson, Moore, Morford, Reagan, Robertson, Totten and Vernon—12.

The negative voters are,

Mr. Childress, Gray, Hynds, Motley, Powell and Trousdale—6.

A bill to declare Wolf river in Fentress and Overton counties navigable, was taken up read a 3rd time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 18, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Moore, Morford, Motley, Powell, Reagan, Robertson, Totten, Trousdale and Vernon—18.

There being no voters in the negative.

A bill to prescribe certain duties to be performed by the clerks of the several courts in this State was taken up.

Mr. Moore moved to amend said bill by adding thereto an additional section.

Said amendment was rejected.

The bill was then read a 3rd time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 17, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Moore, Morford, Motley, Powell, Reagan, Robertson, Trousdale and Vernon—17.

There being no voters in the negative.

A bill to amend an act passed 30th November, 1833, entitled an act for

the relief of the citizens of Covington, was taken up read a 3d time and passed.

A bill more effectually to subject the property of non-resident debtors to the payment of their debts, due the citizens of this State and for other purposes was taken up read a third time and passed—ayes 18, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Morford, Motley, Powell, Reagan, Robertson, Totten, Trousdale and Vernon—18.

The negative voter is Mr. Moore—1.

A bill to make provision for certain claims due by the board of commissioners of internal improvement, was taken up read a 3d time and passed.

A bill from the House of Representatives to prescribe the degree of relationship that shall render a judicial officer incompetent to try a cause, and to provide for the appointment of judges in certain cases under the 11th section of the 6th article of the amended constitution.

A bill more effectually to protect the estate of minors, lunatics, and persons *non-compus*, and for other purposes.

A bill supplemental to an act entitled an act to re-organise the county courts in this State; and a bill to provide for the publication of the acts and journals and for other purposes, all of which were severally taken up read a first time and passed.

Mr. Vernon moved that the principal clerk of the Senate be authorised to employ an assistant clerk.

Which motion was agreed to by the Senate.

A bill to incorporate the Columbia female institute, and a bill to incorporate and charter a turnpike company in Warren county, both of which were severally taken up read a 2nd time and passed.

A resolution from the House of Representatives providing for the laying off that portion of Henry county attached to the county of Benton, into civil districts, was taken up read and concurred with.

Mr. Johnson moved the re-consideration of the vote of the Senate of Friday last, rejecting a bill to authorise the Governor and Secretary of State to cancel the bonds of the State and for other purposes.

Which motion prevailed and the bill was re-considered.

A bill to punish grantees and owners of turnpike roads for demanding toll improperly and contrary to law.

A bill to authorise guardians in other States to remove the property of minors to the State and county where the minor resides.

A bill to repeal so much of the 6th section of an act passed at the present session, entitled an act to provide for the election of Governor, Representatives to Congress, members to the General Assembly, sheriffs, trustees, registers, clerks of the circuit and county courts, as relates to the election of surveyors and entry takers, and for other purposes, and a bill for the relief of Nicholas Hobson.

All of which said bills were severally taken up read a second time and passed.

A bill to amend the several acts of the General Assembly prescribing the manner of paying costs in certain cases above the grade of petit larceny, was taken up read a 2nd time and rejected.

A bill to authorise *femes covert* to act as *femes sole* under certain circumstances, was taken up read a first time and passed.

A bill to establish a precinct election at the house of captain Joseph Campbell in the county of Campbell, was taken up read a 1st time and rejected.

A bill from the House of Representatives to amend the charter granted to Joshua Parsons and John Isbell, to open and make a turnpike road from the mouth of Abram's creek to the North Carolina line, was taken up and read a first time.

Mr. Trousdale moved the indefinite postponement of said bill. Which motion prevailed and the bill was rejected.

A bill from the House of Representatives to make certain transcripts of the acts of Congress, and of the Legislatures of the different States and territories of the United States, evidence in the courts in the State of Tennessee, was taken up.

Mr. Childress moved to lay said bill on the table till the 28th day of February 1836. And the sense of the Senate being had on said motion it was determined in the negative—ayes 6, noes 13.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Johnson, the affirmative voters are,

Mr. Childress, Johnson, Moore, Motley, Totten and Trousdale—6.

The negative voters are,

Mr. Speaker Webster, Armstrong, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Morford, Powell, Reagan, Robertson and Vernon—13.

The bill was then read a first time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 13, noes 6.

The ayes and noes being demanded by Mr. Childress, seconded by Mr. Trousdale, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Morford, Powell, Reagan, Robertson and Vernon—13.

The negative voters are,

Mr. Childress, Johnson, Moore, Motley, Totten and Trousdale—6.

A bill to incorporate the Nashville and Kentucky turnpike company, was taken up.

Mr. Johnson moved to strike out the name of Nicholas Hobson and insert the name of Anthony W. Johnson.

Which motion prevailed.

The bill was then read a first time and passed.

A bill from the House of Representatives to incorporate the town of Madisonville in the county of Monroe, was taken up read a first time and passed.

A bill from the House of Representatives to provide for the revival of actions of detainer and trover, against the representatives of deceased defendants.

A bill further to provide for holding elections of mayor and aldermen of the several incorporated towns in this State.

A bill to incorporate the town of Lexington in the county of Henderson; a bill for the benefit of Jonesborough female academy; a bill to amend an act entitled an act to allow wharfage to certain persons therein named, passed July 21st, 1820; a bill to incorporate the inhabitants of the town of Wesley in the county of Haywood; a bill for the benefit of James Vaughn and William Gully; a bill to amend the several acts providing for the payment of costs in criminal cases; a bill to incorporate the town of Bigbyville in Maury county; a bill to establish the dividing line between Marion and Hamilton counties on the south side of the Tennessee river, and a bill to amend an act entitled an act to incorporate the town of Nashville.

All of which said bills were severally taken up read a 1st time and passed.

The last named bill was withdrawn by Mr. Robertson for amendment.

The Senate then adjourned.

TUESDAY, FEBRUARY 16th, 1836.

Mr. Johnson, from the committee on claims, reported a bill to provide for the purchase of the books of John C. McLemore, in relation to the titles of lands in the State of North Carolina.

Said bill was read a first time and passed.

Mr. Craighead, from the judiciary committee, reported a bill defining the duties of clerks and masters in equity, and for other purposes.

Said bill was read a first time and passed.

Mr. Morford, from the committee on education and common schools, to whom was referred the following bills, to wit:

A bill to provide for the election of commissioners for the school lands in Franklin, Bedford and Warren counties, and for other purposes, and a bill to provide for the election of commissioners for the school lands in Lincoln county, and for other purposes, reported said bills without amendment and recommended their passage.

On motion of Mr. Cahal, said bills and report were ordered to the table.

On motion of Mr. Reagan, the Senate reconsidered the vote of yesterday rejecting a bill to authorise the President and Directors of the Union bank of Tennessee, to establish a branch at Randolph in Tipton county, Lagrange in Fayette county and Carthage in Smith county.

Said bill was then read a second time and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 11, noes 11.

The ayes and noes being demanded by Mr. Graves, seconded by Mr. Hynds, the affirmative voters are,

Mr. speaker Webster, Armstrong, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Ledbetter, Morford and Robertson—11.

The negative voters are,

Mr. Graves, Gray, Hynds, Moore, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—11.

And so said bill was again rejected.

A bill to change the time of holding the chancery courts of Smith county, and the circuit courts of Jackson county, was taken up amended on motion of Mr. Hynds and Powell, read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 18, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Moore, Morford, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—18.

The negative voter is Mr. Armstrong—1.

A bill to authorise the several incorporated towns in this State to elect a town constable, was taken up read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 15, noes 3.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Childress, Craighead, Gordon, Henderson, Hynds, Moore, Morford, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—15.

The negative voters are,

Mr. Graves, Gray and Powell—3.

A bill for the relief of Nicholas Hobson was taken up read a third time and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 9, noes 14.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Craighead, Johnson, Moore, Morford, Reagan and Robertson—9.

The negative voters are,

Mr. speaker Webster, Childress, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Motley, Powell, Rogers, Totten, Trousdale and Vernon—14.

So said bill was rejected.

A bill more effectually to secure the estates of minors was taken up.

On motion of Mr. Cahal said bill was ordered to the table.

A bill to establish the Franklin bank of Tennessee was taken up.

On motion of Mr. Childress the different blanks in said bill were filled.

Mr. Childress moved to amend said bill by adding thereto an additional section to the bill. Which was accepted.

Mr. Childress moved further to amend said bill by striking out "two millions of dollars" as the capital stock of said bank, and insert in lieu thereof "one million of dollars."

Which motion prevailed.

Mr. Totten moved to amend the 14th section of the bill by inserting the

words "and elsewhere" after the word Franklin in the 2nd line of said section. Which motion prevailed.

The bill was then read a third time and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 7, noes 15.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Cahal, Childress, Ledbetter, Morford and Robertson—7.

The negative voters are,

Mr. speaker Webster, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Moore, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—15.

So said bill was rejected.

Mr. Gordon, from the select committee on conference, on the Senate's amendments non-concurred in by the House of Representatives to a bill for the benefit of the occupants south and west of the congressional reservation line, and north of Winchester's line and for other purposes, reported that the committee have had the same under consideration, and have agreed upon the following:

In the 1st section strike out the word Jesse Blackfan, and they have agreed to strike out all the amendments proposed by the Senate to the 1st section, except that part which directs the registers in this State to issue duplicate warrants for all balances remaining in their respective offices, where grants were not issued thereon, and prescribing the fees for such services marked "D," and they have agreed to retain the 13th, 14th, and 15th sections proposed by the Senate, with this amendment in the 13th section; strike out the words "passage of this act," and insert "first day of September next." In the 14th section strike out the words "January eighteen hundred and thirty-eight," and insert "October 1837." They have agreed to add to the first section immediately after the word "adjudicated" at the end of the 8th line "all claims north of the Kentucky line." All other amendments proposed in the Senate and not concurred in by the House of Representatives are to be rejected.

Said report was concurred in by the Senate. Ordered, that the clerk acquaint the House of Representatives therewith.

Mr. Powell moved to reconsider the vote of to-day rejecting a bill to authorise the President and Directors of the Union bank of Tennessee, to establish a branch at Randolph in Tipton county, at Carthage in Smith county, and for other purposes.

Which motion prevailed.

Mr. Childress moved to amend said bill by adding thereto an additional section, which was accepted.

The question then recurred upon the passage of the bill as amended on its second reading, and determined in the affirmative—ayes 12, noes 11.

The ayes and noes being demanded by Mr. Totten, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Ledbetter, Morford and Robertson—12.

The negative voters are,

Mr. Graves, Gray, Hynds, Moore, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—11.

A resolution from the House of Representatives directory to William M. Berryhill, agent of the bank of the State of Tennessee, was taken up and read.

And the sense of the Senate being had on concurring with said resolution, it was determined in the negative—ayes 8, noes 11.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Armstrong, the affirmative voters are,

Mr. speaker Webster, Armstrong, Moore, Morford, Motley, Reagan, Robertson and Vernon—8.

The negative voters are,

Mr. Childress, Craighead, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Powell, Totten and Trousdale—11.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. speaker: The Speaker of the House of Representatives did this day sign an enrolled act to prescribe the duties and define the jurisdiction of justices of the peace, and a resolution authorising the Governor to raise by permission of the general government, a regiment of volunteer mounted men to engage in the service of the United States against the Seminole Indians.

And then he withdrew.

The speaker of the Senate signed said enrolled acts and resolution, and ordered that they be deposited in the office of the Secretary of State.

A bill to punish grantees and owners of turnpike roads for demanding toll improperly and contrary to law, was taken up read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 16, noes 3.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Cahal, Childress, Gordon, Gray, Henderson, Johnson, Ledbetter, Love, Moore, Morford, Powell, Reagan, Robertson, Totten and Vernon—16.

The negative voters are,

Mr. Armstrong, Graves and Hynds—3.

A bill to provide for the payment of costs in certain cases, was taken up, read a third time, and the question, Shall the bill pass? being had it was determined in the affirmative—ayes 15, noes 6.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Cahal, Craighead, Graves, Henderson, Hynds, Johnson, Moore, Morford, Powell, Reagan Robertson and Totten—15.

The negative voters are, Mr. Childress, Gray, Love, Motley, Rogers and Vernon—6.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: The House of Representatives concur in the amendments proposed by the Senate to bills from the House of the following titles to wit:

A bill to incorporate the Memphis Marine and Fire Insurance company. A bill to incorporate a female academy in the town of Clarksville in the county of Montgomery. A bill to provide for the election of an additional justice of the peace for the corporation of the town of Hartsville in Sumner county; and a bill for the benefit of Nancy Kennedy, Wm. McKamy, and John Callaway, sen.

The House of Representatives have taken up and considered the amendments proposed to the following bills, to wit:

A bill to establish the county of Marshall, and a bill to incorporate the Franklin turnpike company; in which amendments they concur, with amendments thereto, herewith transmitted, in which they ask the concurrence of the Senate.

The House of Representatives propose a committee of conference on the Senate's amendments non-concurred in by the House, to the bill to repeal an act entitled "an act to tax the retailers of spiritous liquors and to appropriate the moneys arising therefrom to the use of common schools," passed 15th December, 1831, and have appointed Messrs. Caruthers, Hurst, Jones, Snodgrass, Johnson of McNairy, Cullum and McLean, to be of said committee, and then he withdrew.

The Senate concur with the amendment proposed by the House to their amendment to the bill to incorporate the Franklin and Columbia turnpike company; they also concur with the proposition of the House of Representatives to raise a committee of conference on the amendments of the Senate to the bill above referred to, and have appointed Mr. Cahal, Graves, Ledbetter, Trousdale, Gordon, Hynds and Vernon, to be of said committee on the part of the Senate.

Ordered that the Clerk acquaint the House of Representatives therewith.

A bill to authorize guardians in other States to remove the property of minors to the State and county where the minors reside, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 4, noes 15.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Armstrong, Moore, Powell and Reagan—4.

The negative voters are, Mr. Brown, Cahal, Childress, Craighead, Henderson, Hynds, Gray, Graves, Johnson, Love, Morford, Motley, Robertson, Rogers and Totten—15.

A bill to incorporate the Columbia Female Institute, was taken up, read a third time and passed.

A bill to repeal so much of the 6th section of an act passed at the present session of the general assembly, entitled "an act to provide for the election of governor, representatives in congress and to the State legislatures, sheriffs, trustees, registers, clerks of the circuit and of the county courts, as relates to the election of surveyors and entry takers, and for other purposes," was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 18, noes 2.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Love, Moore Motley, Powell, Reagan, Rogers and Totten—18.

The negative voters are Mr. Morford and Robertson—2.

A bill to incorporate the Nolensville turnpike company, was taken up.

Mr. Childress moved to amend said bill by adding thereto two additional sections, which was agreed to.

The bill was then read a second time and passed.

A bill to provide for a general system of internal improvements in this State, was taken up, and on motion of Mr. Cahal ordered to the table and made the special order of the day for to-morrow.

A bill supplemental to an act entitled "an act to re-organize the county courts in this State," passed 3d December, 1835, was taken up.

Mr. Gordon moved to strike out the 12th section of the bill, which motion prevailed.

Mr. Rodgers moved to strike out the 7th section of the bill, which motion also prevailed.

Mr. Childress offered an additional section to the bill, which was accepted.

The bill was then read a second time and passed.

A bill to amend an act entitled "an act to incorporate the town of Nashville," was taken up.

Mr. Childress moved to amend said bill by adding thereto an additional section, which was agreed to.

Mr. Love moved further to amend said bill by adding thereto two additional sections, which was accepted.

The bill was then read a second time and passed.

A message from the House of Representatives by Mr. Mitchell, their clerk;

Mr. Speaker: A correspondence between the speaker of the House of Representatives and the president of the Union Bank, upon the subject of an adjustment of the claims of the State upon that bank, for the bonus, dividends and interest claimed to be due, together with a bill;

Which were read at the clerk's table and ordered to be transmitted to the Senate, and then he withdrew.

Mr. Trousdale moved that said correspondence and bill be laid on the table till the 4th day of July, 1836, and the sense of the Senate being had thereon it was determined in the negative—ayes 7, noes 15.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Rogers,

The affirmative voters are, Mr. Gray, Motley, Powell, Reagan, Rogers, Totten and Trousdale—7.

The negative voters are, Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Robertson and Vernon—15.

Mr. Childress moved to refer the correspondence and bill to the committee on banks, which motion prevailed.

Ordered that the clerk acquaint the House of Representatives therewith.

A bill to appoint a board of common school commissioners and to secure the common school fund, was taken up, read a second time and passed.

A bill to make certain transcripts of the acts of congress, and of the legislatures of the different States and Territories of the United States, evidence

in courts in the State of Tennessee, was taken up, read a second time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 10, noes 8.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Trousdale,

The affirmative voters are, Mr. Speaker Webster, Craighead, Gordon, Hynds, Ledbetter, Morford, Powell, Reagan, Robertson and Totten—10.

The negative voters are,

Mr. Armstrong, Cahal, Childress, Graves, Gray, Henderson, Trousdale and Vernon—8.

A bill to authorize femes covert to act as femes sole, under certain circumstances, was taken up, read a second time, and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 4, noes 13.

The ayes and noes being demanded by Mr. Totten, seconded by Mr. Trousdale,

The affirmative voters are, Mr. Cahal, Gordon, Morford and Robertson—4.

The negative voters are, Mr. Speaker Webster, Childress, Craighead, Graves, Gray, Henderson, Ledbetter, Motley, Powell, Reagan, Totten, Trousdale and Vernon—13.

So said bill was rejected.

A bill to provide for the removal of actions of detinue and trover against the representatives of deceased defendants.

A bill to amend an act entitled "an act to allow wharfage to certain persons therein named," passed July 21st, 1820; and a bill for the benefit of the Jonesboro' Female Academy, were severally taken up, read a 2d time and passed.

A bill making compensation to Pryor Lea, for services rendered to the State, was taken up.

Mr. Vernon moved to strike out the word "East" preceding that of "treasurer," which was agreed to.

The bill was then read a second time and passed.

A bill to amend the several acts providing for the payment of costs in criminal cases, was taken up.

Mr. Cahal moved to amend said bill by striking out the first section of the bill, from the word "prisoner," in the 10th line, to the word "it," in the 17th line, which motion prevailed; the bill was then read a second time and passed.

A bill to make provisions for certain claims due by the board of commissioners of internal improvement for Fayette county; a bill to provide for the publication of the laws and journals and for other purposes, and a bill to incorporate the town of Bigbyville in Maury county; were severally taken up, read a second time and passed.

A bill to alter the dividing line between the counties of Marion and Hamilton, on the south side of the Tennessee river, was taken up.

Mr. Vernon moved to strike out the word "Alabama," in the 9th line of the 1st section of the bill, and insert "Georgia," in lieu thereof; which motion prevailed.

The bill was then read a second time and passed.

The Senate then adjourned.

WEDNESDAY, FEBRUARY 17th, 1836.

Mr. Brown from the committee on enrollments, reported as correctly enrolled, a resolution relating to the appointment of commissioners to lay of the county seat of Coffee county.

Ths speaker signed said enrolled resolution, and ordered that it be transmitted to the House of Representatives.

Mr. Ledbetter presented the petition of Sundry citizens of Rutherford county praying the passage of a law to tax dogs where there are more than two belonging to one plantation, which was read, and on his motion ordered to the table.

Mr. Reagan presented the petition of sundry citizens of Monroe county, on the subject of rail roads, which was on his motion ordered to the table.

A resolution from the House of Representatives proposing to go into the election of an attorney general for the State, a superintendent of public instruction, a surveyor general and entry taker for the Hiwassee district, was taken up.

The senate non-concurred with so much of the above resolution as relates to the election of superintendent of public instruction, and concur with the balance of the resolution, except as to the time of bringing on the election. They propose to bring on the election on this day, at 12 o'clock, M.

Ordered that the clerk acquaint the House of Representatives therewith and ask their concurrence therein.

Mr Childress moved a reconsideration of the vote of yesterday non-concurring with a resolution from the House of Representatives, directory to William M. Berryhill, bank agent of the Bank of the State of Tennessee, which motion prevailed.

The resolution was then ordered to the table.

A message from the House of Representatives by Mr. Mitchell, their clerk;

Mr. Speaker: The speaker of the House of Representatives did this day sign enrolled acts of the following titles, to wit;

An act to amend the several acts prescribing the duties of entry takers.

An act for the benefit of John Callow.

An act to punish the grantees and owners of turnpike roads for demanding toll improperly and contrary to law.

An act to repeal the second, third and fourth sections of an act to amend the judiciary system of the State of Tennessee, passed the 15th December, 1831.

An act to declare Wolf river navigable in Fentress and Overton counties.

An act to amend an act passed 30th November, 1833, entitled an act, for the relief of the citizens of Covington.

An act to attach a portion of the county of Henry to the county of Benton.

An act to amend an act entitled "an act requiring the acts of a public and general nature of the general assembly to be bound," passed December 21st, 1836; and

An act to provide for correcting mistakes in entries on location of warrants; and then he withdrew.

The speaker of the Senate signed said enrolled acts and ordered that they be deposited in the office of the Secretary of State.

A bill to provide for a general system of internal improvement in the State of Tennessee, was taken up.

Mr. Cahal offered an amendment in lieu of the whole bill, from the words "a bill."

Mr. Childress moved to amend the 1st section of the bill by inserting in the 9th line the following: "that the governor shall not be authorized to subscribe for more than the one third of that portion of the capital stock required to carry into effect that portion of said road passing through this State," which was accepted.

Mr. Cahal offered an additional section to the bill covering the ground in Mr. Childress' amendment, which was accepted by Mr. Childress in lieu of his amendment.

Mr. Childress offered the following amendment to the amendment, to wit: "by a lien upon real estate, worth in point of value thirty-three and one-third per cent more than the amount of individual stock, to be valued by two or more good and responsible persons on oath;"

And the sense of the Senate being had thereon it was determined in the negative—ayes 9, noes 15.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Hynds,

The affirmative voters are, Mr. speaker Webster, Childress, Gray, Henderson, Johnson, Moore, Morford, Motley and Totten—9.

The negative voters are,

Mr. Armstrong, Brown, Cahal, Craighead, Gordon, Graves, Hynds, Ledbetter, Love, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—15.

Mr. Johnson moved to amend said amendment by adding thereto the following section:

Be it enacted that nothing in this act shall be in force or take effect until after the adjournment of the next regular session of the general assembly,

And the sense of the Senate being had thereon it was determined in the negative—ayes 9, noes 14.

The ayes and noes being demanded by Mr. Johnson seconded by Mr. Powell,

The affirmative voters are, Mr. Armstrong, Gray, Johnson, Moore, Morford, Motley, Reagan Totten and Vernon—9.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Henderson, Hynds, Ledbetter, Love, Powell and Rogers—14.

Mr. Totten moved to amend said amendmend by striking out "two thirds" of stock to be subscribed by individuals and insert "three fourths," and also to strike out "one third of the stock to be subscribed by the State," and insert in lieu thereof "one fourth to be subscribed by the State,"

And the sense of the Senate being had thereon, it was determined in the negative—ayes 10, noes 13.

The ayes and noes being demanded by Mr. Cahal, seconded by Mr. Powell, the affirmative voters are, Mr. Speaker Webster, Childress, Gordon, Gray, Johnson, Moore, Morford, Motley, Rogers and Totten—10.

The negative voters are, Mr. Armstrong, Brown, Cahal, Craighead, Graves, Henderson, Hynds, Ledbetter, Love, Powell, Reagan Robertson, Trousdale and Vernon—13.

The question was then had upon the amendment in lieu of the original bill,

And the sense of the Senate being had thereon, it was determined in the affirmative—ayes 16, noes 8.

The ayes and noes being demanded by Mr. Ledbetter, seconded by Mr. Morford,

The affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Ledbetter, Moore, Morford, Motley, Reagan, Totten and Trousdale— 16.

The negative voters are, Mr. Graves, Gray, Hynds, Love, Powell, Robertson, Rogers and Vernon—8.

Mr. Graves offered an additional section to the bill, which was, on motion of Mr. Powell, ordered to the table.

Mr. Totten offered an additional section to the bill, which was rejected.

The bill as amended was then read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 15, noes 9.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Brown, Cahal, Childress, Craighead, Gordon, Graves, Henderson, Hynds Ledbetter, Love, Powell, Reagan, Robertson, Trousdale and Vernon—15.

The negative voters are, Mr. Speaker Webster, Armstrong, Gray, Johnson, Moore, Morford, Motley, Rogers and Totten—9.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. Speaker: I am directed to inform the Senate that the House of Representatives are now ready to receive them, to go into the various elections set apart for this day, and then he withdrew.

Whereupon the speaker and gentlemen of the Senate repaired to the hall of the House of Representatives.

The resolution having been read that called the two houses together, they proceeded to the election of an attorney general for the State.

Mr. George S. Yerger and William E. Anderson in nomination.

The vote of the Senate was,

For George S. Yerger.	For William E. Anderson.
Mr. Brown,	Mr. Webster,
Cahal,	Armstrong,
Craighead,	Childresss,
Gordon,	Hynds,
Graves,	Ledbetter,
Gray,	Morford,
Henderson,	Powell,
Johnson,	Reagan,
Love,	Robertson,
Moore,	Vernon.
Rogers,	
Totten,	
Trousdale	
Motley,	
14.	10

The vote of the House of Representatives being continued and had, and the result announced,

The Speaker of the Senate declared George S. Yerger, esq. of Davidson county, was duly and constitutionally elected attorney general for the State, for the period of six years.

The two houses next proceeded to the election of Surveyor General of the Hiwassee district. Mr. William Bayless, James McNabb, Robert Tunnell and Esq'r McCauly, in nomination.

The vote of the Senate was,

For Wm. Bayless.		James McNabb.		Robert Tunnell.	
Craighead,		Love,		Webster,	
Gordon,		Morford,		Armstrong,	
Hynds,		Trousdale,	3.	Brown, Cahal,	
Ledbetter,		For McCauly.		Graves,	
Moore,		Childress,		Gray,	
Powell,		Johnson,		Henderson,	
Reagan,		Totten,	3.	Motley,	
Robertson,	8.			Rogers,	
				Vernon,	10.

The vote of the House of Representatives being continued and had, and the result announced, the speaker of the Senate declared Robert Tunnell of Marion county to be duly and constitutionally elected Surveyor General for the Hiwassee district, during good behavior.

The two houses proceeded in like manner to the election of an entry taker for the Hiwassee district, Mr. Victor M. Campbell in nomination.

The vote of the Senate was for Mr. Campbell—Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray,

Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten Trousdale and Vernon—24.

The vote of the House of Representatives being continued and had, and the result announced. The speaker of the Senate declared Mr. Victor M. Campbell of McMinn county. to be duly and constitutionally elected entry taker of the Hiwassee district, during good behavior.

Mr. speaker and gentlemen of the Senate repaired to their own chamber.

A bill supplemental to an act entitled an act to establish the county of Cannon, to be composed of parts of Rutherford, Smith and Warren, passed 31st January, 1836, was taken up, read a first time and passed; Mr. Ledbetter had leave to withdraw the same for amendment.

A bill supplemental to an act passed at the present session of the general assembly, entitled an act to extend the corporation of the town of Murfreesboro'. A bill to repeal the 4th section of an act of 1783, chapter 11. A bill to provide for persons who have acquired more than one occupant claim. A bill supplemental to an act, entitled an act to extend the benefits of the first section of an act passed at Nashville on 30th December, 1829, chapter 40. A bill to regulate free negroes and for other purposes. A bill for the relief of Return J. Meigs and Robert H. Hynds; and a bill supplemental to an act to establish the county of Bradley, were severally taken up, read a first time and passed.

The last named bill was withdrawn by Mr. Vernon for amendment.

A bill to incorporate the Nolensville turnpike company, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 19, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Ledbetter, Love, Moore, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—19.

There being no voters in the negative.

Mr. Trousdale, from the committee on conference, on the amendment of the House of Representatives to the Senate's bill to ascertain the compensation to be allowed to the members and officers of the General Assembly, non-concurred in by the Senate's reports in favor of the House's amendment, allowing the speakers of the two houses of the legislature, the sum of six dollars per day.

Said report was concurred with.

Ordered that the clerk acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. speaker: The House of Representatives concur in the message of the Senate proposing to refer to the joint committee on banks, the correspondence between the speaker of the House of Representatives and the president of the Union bank.

They concur in the amendments of the Senate to a bill to incorporate the town of Dover, and the town of Alexandria in Smith county, and a bill to incorporate the town of Rogersville in the county of Hawkins.

The House of Representatives concur in the report of the committee of conference, on the amendments to the bill for the relief of occupants; the House concur in the amendments proposed by the Senate to the resolution relating to the election of an attorney general for the State, a superintendent of public instruction, and a surveyor general and entry taker for the Hiwassee district.

The speaker of the House of Representatives did this day sign an enrolled act to incorporate the Memphis Marine and Fire insurance company.

And then he withdrew.

The speaker of the Senate signed said enrolled act and ordered that it be deposited in the office of the Secretary of State.

A bill supplemental to an act passed day of February, 1836, prescribing the duty and defining the jurisdiction of justices of the peace; a bill to provide for the adoption of children in certain cases, and to preserve the evidence of the fact; a bill to prescribe the mode of proceeding against sheriffs, for failing to pay over money in certain cases, and for other purposes; a bill to increase the jurisdiction of justices of the peace; a bill to provide for the transfer of law suits in certain cases; a bill to compel the owners of land to have the same processioned in certain cases; a bill concerning navigable rivers; a bill to amend the penal laws of the State; a bill to amend an act entitled an act to incorporate the Lagrange and Memphis rail road company; a bill to provide for the viewing and laying off a road from the Cumberland gap to the smoky mountain turnpike road; a bill to incorporate Athens male and female academy in fayette county; a bill to amend an act entitled an act prescribing the mode of conveying criminals to the public jail and penitentiary house established in this State, and for their government, passed 28th December, 1829; and a bill to incorporate the Middle and East Tennessee rail road company, were severally taken up read a first time and passed.

A bill to authorise Benjamin T. Grayson, John A. Picket and Edward T. Picket, to open and keep in repair a turnpike road across Walden's ridge was taken up.

Mr. Trousdale moved the indefinite postponement of the bill.

Which motion prevailed, and the bill was rejected.

A bill to secure personal liberty was taken up.

Mr. Hynds moved the indefinite postponement of the bill, which motion prevailed and the bill was rejected.

Mr. Johnson, from the committee on claims, to whom was re-committed a bill for the benefit of Wm. Bayless, reported an amendment in lieu of the whole bill from the words "a bill," and with the amendment he recommended the passage of the bill.

The report was concurred in as to the receiving of the amendment, the question was then had upon the passage of the bill as amended on its third reading, and determined in the affirmative—ayes 20, noes 2.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—20.

The negative voters are,

Mr. Brown and Trousdale—2.

A bill to incorporate the Nashville and Kentucky turnpike company was taken up.

Mr. Trousdale moved to amend the 4th section of the bill, by striking out the words "from Nashville," and insert "commencing at or beyond Morgan's on the road from Nashville to Gallatin.

Which motion prevailed.

Mr. Trousdale offered a section to the bill in lieu of the 6th section of the bill, which was accepted.

The bill was then read as amended a second time and passed.

A bill making an additional appropriation to complete the Lunatic hospital in this State; a bill to regulate the practice in taking bond and security for the prosecution of certiorari in cases of forcible entry and detainer; a bill to repeal a part of an act entitled an act concerning a part of the internal improvement fund of Humphreys county, and for other purposes; a bill to extend the time for complying with the provisions of an act passed at Nashville on the 13th day of October, 1832, entitled an act to establish a turnpike road from the town of Murfreesborough, to the top of the ridge in the direction to McMinnville; a bill to authorise the taxation of costs in cases where persons have been bound to keep the peace; a bill to provide for the appointment of trustees of Mount Cumberland academy in Fentress county; and a bill to incorporate the Paris and Randolph rail road company, were severally taken up, read a first time and passed.

A bill supplemental to an act prohibiting the drawing of lotteries and the sale of lottery tickets, was taken up and read a first time.

Mr. Hynds moved the indefinite postponemet of said bill, and the sense of the Senate being had on said motion, it was determined in the affirmative—ayes 15, noes 7.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Hynds, the affirmative voters are,

Mr. Speaker Webster, Childress, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Love, Motley, Reagan, Robertson, Rogers, Totten and Vernon —15.

The negative voters are,

Mr. Armstrong, Craighead, Johnson, Moore, Morford, Powell and Trousdale—7.

And so said bill was rejected.

Mr. Childress moved to take up a bill providing for the election of electors to vote for president and vice president of the United States.

Which motion failed.

A bill to attach a portion of the county of Perry to the county of Benton, was taken up.

Mr. Brown moved the indefinite postponement of said bill, which motion prevailed and the bill was rejected.

A bill to amend the criminal laws in this State and for other purposes; a bill to repeal all laws now in force authorising the county courts to make allowance to attorneys general; a bill making an appropriation for the payment of the debts due from the State to the Union bank, contracted in pur-

suance of a resolution of the late Convention of Tennessee; a bill authorising the county court of Cocke county to grant Howell Houston a charter for a turnpike road; a bill to repeal the 3rd section of an act passed October 11th, 1832, establishing a part of the dividing line between the counties of Bledsoe and Marion; and a bill to incorporate the town of Lawrenceburg, were severally taken up, read a first time and passed.

A bill to provide for the purchasing of the books of John C. McLemore, in relation to the titles of the lands within this State, made by the State of North Carolina, was taken up, read a second time and passed.

A bill to amend an act entitled an act to incorporate the inhabitants of the town of Nashville, was returned by Mr. Robertson, with an amendment thereto as an additional section; the amendment was accepted.

The bill read as amended, a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 12, noes 10.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Henderson, Hynds, Johnson, Love, Morford, Reagan and Robertson—12.

The negative voters are,

Mr. Gordon, Graves, Gray, Ledbetter, Moore, Powell, Rogers, Totten, Trousdale and Vernon—10.

A bill defining the duties of clerks and masters in equity and for other purposes, was taken up.

Mr. Totten moved to amend the bill by inserting after the words "chancery courts, clerks of circuit courts," which motion prevailed.

The bill was then read a second time and passed.

Mr. Morford returned a bill (withdrawn by him for amendment) to incorporate and charter a turnpike road in Warren county, with an amendment to the bill; the amendment was accepted;

The bill read as amended a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 13, noes 5.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Gordon, Gray, Johnson, Love, Moore, Morford, Powell, Reagan, Robertson and Rogers—13.

The negative voters are, Mr. Graves, Henderson, Totten, Trousdale and Vernon—5.

Mr. Totten moved to reconsider the vote of the Senate of yesterday rejecting a bill for the benefit of Nicholas Hobson, which motion prevailed.

The question was then had, Shall the bill pass? upon its third reading, and determined in the affirmative—ayes 13, noes 9.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Armstrong, Brown, Childress, Gordon, Henderson, Johnson, Ledbetter, Love, Moore, Morford, Reagan, Rogers and Robertson—13.

The negative voters are, Mr. Speaker Webster, Graves, Gray, Hynds, Motley, Powell, Totten, Trousdale and Vernon—9.

A bill supplemental to an act entitled an act to re-organize the county courts in this State, passed December 3d, 1835, was taken up.

Mr. Trousdale moved to strike out the third section of the bill, which motion prevailed.

Mr. Henderson moved an amendment to the bill, which was accepted.

The bill was then read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 17, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Moore, Morford, Reagan, Totten, Trousdale and Vernon—17.

The negative voter is, Mr. Powell,—1.

A bill to make certain transcripts of the acts of Congress and the legislatures of the different States and Territories of the United States, evidence in the courts in the State of Tennessee, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 6, noes 14.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Hynds, Ledbetter, Morford, Reagan and Robertson,—6.

The negative voters are,

Mr. Armstrong, Brown, Childress, Gordon, Graves, Gray, Henderson, Johnson, Moore, Motley, Powell, Totten, Trousdale and Vernon—14.

And so said bill was rejected.

A bill to alter the dividing line between the counties of Marion and Hamilton on the south side of Tennessee river, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 18, noes 1.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Moore, Morford, Motley, Powell, Reagan, Robertson, Totten and Vernon—18.

There negative voter is, Mr. Trousdale—1.

A bill to provide for the renewing of actions of detinue and trover against the representatives of deceased defendants, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 19, noes 2.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Morford, Motley, Powell, Reagan, Robertson, Totten, Trousdale and Vernon—19.

The negative voters are,

Mr. Hynds and Moore—2.

A bill to provide for the publication of the laws and journals and for other purposes, was taken up, read a third time, and the question, Shall the bill

pass? being had thereon, it was determined in the affirmative—ayes 19, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Moore, Morford, Motley, Powell, Reagan, Robertson, Totten, Trousdale and Vernon—19.

There being no negative voters.

A bill to amend the several acts providing for the payment of costs in criminal cases, was taken up.

Mr. Henderson moved to amend said bill by adding thereto an additional section.

Mr. Vernon moved to lay the bill on the table till the 15th of March next, and the sense of the Senate being had on said motion, it was determined in the affirmative—ayes 12, noes 7.

The ayes and noes being demanded by Mr. Vernon, seconded by Mr. Reagan, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Childress, Gordon, Graves, Gray, Johnson, Ledbetter, Morford, Motley, Reagan, Totten, Trousdale and Vernon—12.

The negative voters are,

Mr. Brown, Craighead, Hendersen, Hynds, Moore, Powell and Robertson —7.

A bill to make provisions for certain claims due by the board of commissioners of internal improvement for Fayette county, was taken up, read a third time and passed.

A bill to amend an act entitled, "an act to allow certain persons wharfage, therein named," passed the 21st of July, 1820, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 16, noes 4.

The ayes and noes being required by the constitution, the affirmative voters are, Mr. Speaker Webster, Brown, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Ledbetter, Moore, Motley, Powell, Robertson, Totten and Trousdale—16.

The negative voters are, Mr. Armstrong, Graves, Reagan and Vernon —4.

A bill to authorize the Union Bank of Tennessee to establish a branch at Randolph in Tipton county, and at Carthage in Smith county, and for other purposes, was taken up, read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 11, noes 10.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Henderson, Johnson, Ledbetter, Reagan and Robertson—11.

The negative voters are,

Mr. Graves, Gray, Hynds, Moore, Morford, Motley, Powell, Totten, Trousdale and Vernon—10.

A bill for the benefit of the Jonesboro' Female Academy was taken up.

Mr. Moore offered an amendment to said bill, which was accepted.

The bill [was] read a third time and passed.

A bill to incorporate the town of Bigbyville in Maury county, was taken up, read a third time and passed.

Mr. Morford asked and obtained leave to withdraw the following bills for amendment, to wit:—a bill to provide for the election of commissioners for the school lands in Lincoln county and for other purposes, and a bill to provide for the election of commissioners for the school lands in the counties of Bedford, Franklin and Warren, and for other purposes.

A bill making compensation to Pryor Lea for services to the State, was taken up and read a third time.

On motion of Mr. Trousdale said bill was ordered to the table.

Mr. Ledbetter moved to re-consider the vote rejecting a bill, supplemental to an act entitled "an act to prohibit the drawing of lotteries and the vending of lottery tickets; which motion prevailed, and the bill read a first time and passed.

A bill to settle a controversy with the Union Bank of the State of Tennessee, was taken up.

Mr. Trousdale moved the indefinite postponement of the bill.

Mr. Ledbetter moved to lay the bill on the table, which motion having precedence, and the sense of the Senate was had on said motion and determined in the affirmative—ayes 12, noes 9.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Totten;

The affirmative voters are, Mr. Speaker Webster, Brown, Childress, Craighead, Gordon, Hynds, Johnson, Ledbetter, Moore, Morford, Motley, and Vernon—12.

The negative voters are,

Mr. Armstrong, Graves Gray, Henderson, Powell, Reagan, Robertson, Totten and Trousdale—9.

Mr. Robertson moved to re consider a vote of the Senate rejecting a bill to authorize Benjamin F. Grayson, John A. Picket and Edward T. Picket, to open and keep in repair a turnpike road across Walden's ridge, which motion prevailed.

The bill read a first time and passed.

A bill from the House of Representatives to amend an act entitled "an act to settle the controversy between the colleges and academies in this State, and the citizens south of French Broad and Holston and west of Big Pidgeon rivers," passed 31st December, 1829, was taken up, read a first time and passed.

The Senate then adjourned.

THURSDAY, FEBRUARY 18th, 1836.

Mr. Morford from the committee on education and common schools, to whom was referred a bill to amend the common school laws, passed January

14th, 1830, so as to authorize the forming a new school district, composed in parts of different counties, and to secure to those districts that are not organized agreeably to the provisions of said act, an equal share of the public money; reported the provisions of the bill unreasonable and recommend its rejection.

Said report was concurred in and the bill rejected.

Mr. Morford returned a bill (withdrawn by him,) to provide for the election of the commissioners of the school lands in Lincoln county, and for other purposes, with an amendment thereto.

On motion of Mr. Reagan said bill and amendment were ordered to the table.

Mr. Brown from the committee on enrollments reported as correctly enrolled,

An act to ascertain the compensation to be allowed to the speakers and members of the general assembly and the governor and Secretary of State, and an act to establish the dividing line between the counties of Montgomery and Robertson.

The speaker signed said enrolled acts, and ordered that they be transmitted to the House of Representatives.

Mr. Totten from the committee on public lands, asked and obtained leave for the committee to be discharged from the further consideration of the following petitions and bills, to wit:—The petition of Willis Dillard, sen. to have adjudicated certificate No. 7088, for 13 acres. A petition of James Conner. The petition of John McNairy. The petition of John Brabson. A bill to provide for the election of a county surveyor and entry taker in the several counties in this State, and a bill making provision for the final satisfaction of land warrants and for the benefit of occupants south and west of the congressional reservation line.

Mr. Ledbetter returned a bill (withdrawn by him) supplemental to an act entitled "an act to establish the county of Cannon, to be composed of parts of Rutherford, Warren and Smith counties," passed 31st January, 1836, with amendments thereto, which were accepted.

Mr. Trousdale offered three additional sections to the bill in lieu of the section.

The bill and amendments were ordered to the table on Mr. Ledbetter's motion.

A message from the House of Representatives by Mr. Mitchell their clerk;

Mr. Speaker: The House of Representatives concur in the report of the committee of conference on the bill to ascertain the compensation of the speakers and members of the general assembly.

The Speaker of the House of Representatives, did this day sign enrolled acts and a resolution of the following titles, to wit:

An act to incorporate the inhabitants of the town of Rogersville.

An act to incorporate the Columbia and Franklin turnpike company.

An act to provide for the payment of cost in certain cases.

An act to prescribe certain duties to be performed by the clerks of the several courts in this State.

An act to incorporate the town of Dover in the county of Stewart, and for other purposes.

An act to incorporate the Columbia Female Institute.

An act more effectually to subject property in this State, belonging to non-resident debtors, to the payment of their debts due citizens of this and other States.

An act to extend the limits of the corporation of the town of Brownsville, in the county of Haywood, and to amend an act of the general assembly, passed November 1st, 1826, incorporating the inhabitants of the town of Brownsville in Haywood county. An act to incorporate a female academy in the town of Clarksville in the county of Montgomery; and a resolution providing for laying off a portion of Henry county attached to the county of Benton, into one civil district, and then he withdrew.

The speaker of the Senate signed said enrolled acts and resolution, and ordered that they be deposited in the office of the Secretary of State.

A bill defining the duties of clerks and masters in equity, and for other purposes, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 6, noes 13.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Craighead, Gordon, Henderson, Hynds, Johnson and Totten—6.

The negative voters are,

Mr. Armstrong, Childress, Graves, Gray, Ledbetter, Moore, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—13.

And so said bill was rejected.

A bill to provide for the purchase of the books of John C. McLemore, in relation to the titles of the lands within the limits of the State, made by the State of North Carolina, was taken up.

Mr. Henderson moved to fill the blank in the first section of the bill with $3000, which motion failed.

Mr. Gordon moved to fill it with $2000, which motion also failed.

Mr. Totten moved to fill it with $1000,

And the sense of the Senate being had on said motion, it was determined in the negative—ayes 9, noes 14.

The ayes and noes being demanded by Mr. Reagan, seconded by Mr. Rogers;

The affirmative voters are, Mr. Brown, Craighead, Gordon, Henderson, Hynds, Johnson, Love, Morford and Totten—9.

The negative voters are, Mr. Speaker Webster, Armstrong, Childress, Graves, Gray, Ledbetter, Moore, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—14.

Mr. Henderson moved the indefinite postponement of the bill, and the sense of the Senate being had on said motion, it was determined in the affirmative—ayes 15, noes 5.

The ayes and noes being demanded by Mr. Henderson, seconded by Mr. Love,

The affirmative voters are, Mr. Speaker Webster, Armstrong, Childress,

Gordon, Graves, Henderson, Hynds, Ledbetter, Motley, Powell, Reagan, Rogers, Totten, Trousdale and Vernon—15.

The negative voters are, Mr. Johnson, Love, Moore, Morford and Robertson—5.

And so said bill was rejected.

A bill making compensation to Pryor Lea, for certain services rendered to the State, was taken up,

Mr. Powell moved to amend the bill by striking out $100 for the purpose of inserting $50 which was agreed to.

Mr. Trousdale moved to strike out a part of the 2nd and the whole of the third section of the bill, which motion prevailed.

The bill as amended was then read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 13, noes 8.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Craighead, Graves, Gray, Hynds, Johnson, Ledbetter, Moore, Morford, Rogers, Trousdale and Vernon—13.

The negative voters are,

Mr. Brown, Henderson, Love, Motley, Powell, Reagan, Robertson and Totten—8.

Mr. Craighead from the judiciary committee to whom was referred "a bill to amend an act entitled an act to establish chancery courts," passed at the present session of the general assembly, reported the bill with sundry amendments thereto, and with the amendments the committee recommend the passage of the bill.

Mr. Vernon moved to amend the report by attaching Meigs county to the chancery district, composed of Monroe and McMinn counties, which was agreed to.

Mr. Reagan moved further to amend the report by attaching Bradley county to the chancery district of Monroe and McMinn, which was also agreed to.

The report as amended was then concurred in, the bill read a second time and passed.

Mr. Craighead from the same committee to whom was referred "a bill to equalize the stay laws of this State," reported an amendment in lieu of the whole bill from the words "a bill," and with the amendment the committee recommend the passage of the bill.

On motion of Mr. Gray the bill and amendment were ordered to the table.

Mr. Armstrong from the committee on military affairs to whom was recommitted a bill to divide the militia into companies, battalions, regiments, brigades and divisions, and to prescribe the times and mode of electing officers, reported the bill with the following amendments, to wit:—strike out from the enacting clause to the sixteenth section; strike out from the 17th section all the balance of the bill; and they propose an amendment in lieu of all the balance of the bill, and with the amendments proposed the committee recommend the passage of the bill.

Mr. Ledbetter moved to strike out that part of the report which relates to Rutherford county; which motion prevailed.

Mr. Armstrong moved to amend the committee's report by adding thereto an additional section; which motion prevailed.

Mr. Powell moved to lay the report of the committee on the table; which motion failed.

Mr. Powell offered the following amendment to the original bill, to wit: That the bounds of the different companies, battalions and regiments, shall be designated and laid off by the regimental court martial, in such manner as will best suit the convenience of the people; said amendment was rejected.

The report of the committee as amended was then concurred in—ayes 17, noes 3.

The ayes and noes being demanded by Mr. Powell, seconded by Mr. Armstrong, the affirmative voters are,

Mr. speaker Webster, Armstrong, Childress, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Reagan, Robertson, Rogers, Totten and Trousdale—17.

The negative voters are,

Mr. Motley, Powell, and Vernon—3.

Mr. Hynds [moved] to amend the bill by adding thereto an additional section; which was accepted.

The bill as amended, was read a third time and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 19, noes 3.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Reagan, Rogers, Totten, Trousdale and Vernon—19.

The negative voters are,

Mr. Motley, Powell and Robertson—3.

Mr. Armstrong from the same committee, asked and obtained leave for the committee to be discharged from the further consideration of a bill to provide for the public arms and for arming volunteer companies.

Mr. Vernon returned a bill, withdrawn by him, supplemental to an act to establish the county of Bradley, with an amendment thereto, which was accepted.

The bill as amended was then read a third time and passed.

Mr. Gordon submitted the following:

Resolved, That the clerk furnish the Senate with a statement of the progress made in transcribing the Senates' journal, for the use of the public printer, what number of days have been employed in doing the same. That he also ascertain the least specific amount for which the clerk will transcribe the balance of the journal, and that he report the same forthwith to the Senate.

The rule requiring resolutions to lie one day on the table was suspended on the motion of Mr. Gordon, and the resolution adopted.

Mr. Henderson, from the committee on the penitentiary, made the following

REPORT.

The joint committee of the Senate and of the House of Representatives on the penitentiary, beg leave to report that they have had under consideration, such subjects connected with the institution as seemed to them to come within the scope of their duty; they have also visited the prison, and examined carefully into its different departments and into the various mechanical arts that are carried on within its walls.

It affords them pleasure to report that as far as they have been able to investigate the subject, they found the discipline of the prison administered with humanity, and at the same time with energy, and a proper regard to the reformation of the prisoners. The various mechanical arts at which the prisoners are employed, seem to be conducted with judgment and spirit, which fact however, must be satisfactorily evinced from the report of the agent and keeper of the prison, made at an early period of the session.

In regard to the medical police of the institution, the committee refer particularly to the accompanying report (marked No. 1.) of the sub-committee, composed of three medical gentlemen, who belong to the joint committee and in all of the opinions and views therein expressed, they fully concur.

The committee look upon the establishment of the penitentiary system in this State, as an experiment of the highest interest to the welfare of the community, and to the cause of humanity. A mode of punishment calculated to reform the offender, to prepare him to become a valuable member of society, by teaching him habits of industry and some useful mechanical art, and in the mean time to relieve the State from a burthensome expense of confining and punishing him is a desideratum in the policy of civil government of great importance. If reformation cannot be obtained, it is second only in importance to preserve society from the depredations of known offenders, for the longest period at the smallest public expense, while at the same time humanity is properly regarded.

The committee are aware that some difference of opinion originally existed as to the propriety of the establishment of this institution, but they have no hesitation in expressing their belief that the anticipations of its friends, as to its beneficial results, have not been disappointed.

In reviewing the penal code adapted to the penitentiary system, it has occurred to a majority of the committee, that some change in the law as it now exists in regard to the punishment of grand and petit larceny is necessary, and they herewith present a bill in accordance with their views on that subject, proposing to lengthen the period of confinement for both grand and petit larceny, and to make it imperative on the courts to sentence an offender convicted of petit larceny to confinement in the penitentiary.

The committee have also deemed some alteration necessary in the law prescribing the mode of conveying criminals to the public jail and penitentiary and for their government therein. They accompany this report with a separate bill embodying in statutary form their views on the subject. The most important change which they propose it will be seen, is of the 5th, 6th and 7th rules of the 25th section of the statute passed in 1829. This law

provides if any prisoner shall neglect or refuse to perform the labor assigned him, or shall wilfully injure any of the materials, instruments, or tools, entrusted to him, or shall in any manner violate or infringe any regulation of the penitentiary, he shall be punished by solitary confinement upon a diet of bread and water, for a period not exceeding thirty days, at the discretion of the agent. And for every day that the inspectors may believe such solitary confinement was properly inflicted, they are required to add to the original term of imprisonment of such convict, five days for every day so passed in solitude.

The committee unanimously entertain the opinion that this law proposes a violation of the 8th section of the first article of the constitution, which declares "that no free man shall be taken or imprisoned or disseized of his freehold, liberties or privileges or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers or the law of the land. The committee believe that this law vests in the hands of the agent and inspectors, power which belongs exclusively to the juries of the country. The term (law of the land) according to the ablest commentators on constitutional law, means by due process of law, that is, no man shall be imprisoned without due presentment or indictment. The same expression is found in *magna charta*, and was in fact ingrafted into our constitution from that instrument. The construction uniformly put upon it by the English jurists is, that no man shall be brought to answer except by due process of the common law, which is by presentment or indictment. And in our Federal and State constitutions, it has always been held in effect to affirm the right of trial according to the process and proceedings of the common law. Such a power vested in the hands of the agent and inspectors constitutes a most pernicious precedent, aside from which the danger of permitting them to exercise such a tremendous power is of vast import. Under such a system it is easy to conceive how a prisoner's term of confinement might be lengthened to an almost indefinite period. It is however the unconstitutionality of the law that the committee mainly intend to present. If the view they have taken of it be correct there is no controlling power to impel the prisoner to habits of industry and propriety of deportment save their own badly regulated inclinations. A subject then of great delicacy and embarrassment presents itself. What method shall be adopted whereby to procure obedience in the prisoners to the regulations of the institution, and to impel them to habits of industry. Two plans present themselves. One is the infliction of corporal punishment, and the other is the establishment of a system of rewards to those who are circumspect, obedient and industrious. A majority of the committee entertain the opinion that however objectionable the infliction of corporal punishment may be, it furnishes the only certain means of inforcing in a proper manner, the discipline of the institution. The views of a majority of the committee on this point are embraced in the bill, which accompanies this report, in which they have endeavored so to guard against the improper exercise of the power of the individual in whose hands it is placed, as that they hope it may [be] acceptable to the legislature. They have also presented in the same bill, a provision it is hoped may in most instances, prevent the necessity of resorting to

this mode of punishment, and which the humane feelings of every individual will prompt him to desire may prove successful. It is a provision designed as an introduction at least into the institution of the system of rewards above referred to.

The committee while making their report touching the penitentiary, cannot omit the opportunity of laying before the legislature, as a part of their report, the accompanying letter marked No. 2, received from the agent and keeper of the institution, containing as they conceive, information of the most interesting character for the consideration of the statesman, the christian and the philanthropist. Although some of the most interesting features of the letter may not be immediately connected with the institution, yet it presents facts illustrative of the unbounded importance of legislative action, on another subject that can never be passed over with indifference, to wit: the subject of education.

It is a truth with which all are familiar, that a vast proportion of the most heinous crimes are committed by that portion of our fellow beings who are groping their way through life in the depths of ignorance. But when the startling fact is presented, as it is by this letter, that out of ninety-four convicts in our penitentiary, only three have any rpetensions to an English education, and twenty-seven cannot even read and write. It ought to arouse the most indifferent on the subject to immediate and efficient action. If such a system of education was adopted as would secure to every youth of our country the benefits of a common English education united with moral instruction, surely no man could be justly deemed a visionary enthusiast who would predict that in thirty years our county and State prisons would be found almost tenantless, while the country would be improved and adorned by a peaceful, happy, moral and intelligent population.

All of which is respectfully submitted.

Signed WM. H. HENDERSON,
Chairman on the part of the Senate.
CHARLES READY,
Chairman on the part of the House of Representatives.

DOCUMENT NO. 1. Accompanying the above report.

We the undersigned being of the committee appointed by the general assembly of the State of Tennessee, to examine into the state and condition of the penitentiary of said State, did on the 28th inst. proceed to examine into the medical police of said institution, and beg leave to submit the following report:

In the 1st place we fully concur in the suggestions of the attendant physician, Dr. Robertson, with regard to the cutting off about two inches of the lower part of the doors of the cells for the more free admission of air, and to permit the escape of any carbonic acid gas that may be generated within them. We also concur in the opinion that it is necessary to devise some means to open the flues that pass from the cells to the top of the building.

In the 2nd place we would beg leave to state that we believe that every means which humanity could dictate, or that could possibly be devised for the comfort and recovery of the sick under existing circumstances, has been re-

sorted [to] both by the attendant physician and the keeper of the institution. But the undersigned deem it impossible for the sick to recover so speedily in the present hospital attached to the institution, as they would if it was more spacious and better ventilated. The present hospital being only twenty-eight feet in length by sixteen in breadth, with only one window in front and one in the rear. This hospital we consider too small for the number of convicts confined in the said penitentiary, and the probable number which may be sick when epidemics are prevailing in the country.

We would most respectfully recommend the erection of a larger and better ventilated hospital for the reception of the sick in said penitentiary. This improvement we would recommend not only upon the principles of humanity, but also upon the score of interest, for it is all-important to the State that the sick should be speedily restored to health. We most heartily concur in opinion with Dr. Robertson, as to the necessity of having plenty of water furnished in a reservoir or reservoirs, so that frequent ablutions may be used by the convicts. We are satisfied that this would contribute greatly to the health of the prisoners.

We would further respectfully recommend the propriety of planting shade trees at suitable distances within the work yard; it is objected that they cannot be preserved from the wagons and carts that are drove through the yard. But we believe that they could be preserved by having a small wall around each tree; we believe that they would not only render the yard more comfortable during the summer months, but would also add to the health of the convicts.

All of which is respectfully submitted.

Signed Doctor J. POWELL,
R. C. HANCOCK,
W. ESTELL.

DOCUMENT, No. 2. Accompanying the above report.

To the joint committee of the Senate and of the House of Representatives of the State of Tennessee, on the Penitentiary.

In accordance with the request of some of your honorable body, the keeper respectfully begs leave to make the following statement relative to the education of the convicts,

Upon a careful examination, I learn that out of the ninety-four now in confinement, only three have any pretensions to an English education. Sixty-four can both read and write, most of them but indifferently; the remaining twenty-seven can neither read nor write, and I have rarely met with a prisoner who has had attention paid to moral and religious instruction. The sabbath school teachers have done much to alleviate the condition of the unfortunate convicts, and I am under many obligations to some pious young men of Nashville and the University, (whose names would be given if I was in possession of all of them,) who have evinced great willingness to give them both moral and religious instruction, and who have attended regularly and promptly whenever the health of the prison would admit. Most of the convicts manifest a great anxiety that the school should be continued, and I

have no hesitation in saying, that it will give pleasure to the young gentlemen to continue in their good work.

I regret to say there has not been as much preaching as I could wish, although the invitation has been general to all denominations. It affords me a pleasure however to say, that several ministers of different denominations have sought the opportunity to preach to them. This, together with the sabbath school influence has resulted in much good; the profound and impressive stillness with which the occasional devotions have been uniformally attended is the best evidence of their interest in the exercise and of its effects upon their feelings, and they always seem pleased when informed that they are to assemble for religious worship.

Those who can read spend most of their idle moments in reading the scriptures.

It will no doubt be a source of great gratification to the friends of the penitentiary system, to learn that there never has been a single instance of recommittal since the prison went into operation, a period of nearly five years. In conclusion, I am pleased to say that within my own knowledge there are several men who learned their trades here, have been discharged and are pursuing their business and doing well.

Respectfully, your ob't serv't.

Signed, JOHN McINTOSH,

Agent and keeper of the Tennessee Penitentiary.

Tennessee Penitentiary, October 30th, 1835.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. speaker: The speaker of the House of Representatives did this day sign enrolled acts of the following titles, to wit:

An act to repeal so much of the 6th section of an act passed at the present session, entitled an act to provide for the election of governor, representatives to congress, members of the legislature, sheriffs, trustees, registers, clerks of the circuit and county courts as relates to the election of entry takers and surveyors and for other purposes, and

An act to incorporate the Lebanon and Nashville turnpike company,

And then he withdrew.

The speaker of the Senate signed said enrolled acts and ordered that they be deposited in the office of the Secretary of State.

A bill to settle the controversy between the State and the Union Bank, was taken up.

Mr. Johnson moved to amend the first section of the bill by striking out $1,000,000 and insert $500,000, which motion prevailed.

Mr. Johnson offered an amendment in lieu of the third section.

Mr. Johnson moved to strike out of the proviso to the first section, "two" and insert "one," which was agreed to.

Mr. Totten moved the indefinite postponement of the bill and amendments, and the sense of the Senate being had on said motion, it was determined in the negative—ayes 7, noes 14.

The ayes and noes being demanded by Mr. Gordon, seconded by Mr. Johnson, the affirmative voters are,

Mr. Graves, Gray, Motley, Reagan, Totten, Trousdale and Vernon—7.

The negative voters are,

Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Hynds, Johnson, Ledbetter, Moore, Morford, and Robertson—14.

The bill as amended was then read a first time and passed,

A bill from the House of Representatives to amend an act entitled an act prescribing the mode of conveying criminals to the public jail and penitentiary house established in this State, and for their government therein, passed 28th December, 1829, and for other purposes, was taken up,

Mr. Cahal moved to amend the second section of the bill by adding thereto the following, "and except the oath to be taken by all the officers of the penitentiary," which was agreed to.

The bill was then read a second time and passed,

On motion of Mr. Johnson, ordered that 500 copies of the report of the committee on the penitentiary be printed for the use of the Senate.

On motion of Mr. Hynds the Senate reconsidered the vote of yesterday rejecting the bill to attach a part of Perry county to the county of Benton.

Said bill was ordered to the table.

A bill to prescribe the mode of choosing electors to vote for president and vice president of the United States, was taken up, read a second time and passed.

Mr. Hynds moved to take up the amendments of the House of Representatives to the Senate's bill supplemental to an act to establish circuit courts, which motion prevailed.

The Senate concur with the 1st, 2d, 3d, 7th and 14th amendments of the House to said blil.

The sixth amendment was amended on motion of Mr. Trousdale by adding the words "when collected for on application," and concurred with as amended.

The eighth amendment was read.

Mr. Childress moved a non-concurrence with said amendment; which motion failed.

Mr. Craighead offered an amendment to said amendment, which was accepted.

Mr. Trousdale moved further to amend said amendment by adding thereto the following, "provided said master shall not be liable to costs."

Mr. Childress moved to add the words "or expenses;" said amendments were agreed to.

Mr. Cahal moved to amend said amendments by striking out the words "slave holders," which was also agreed to.

The eighth amendment as amended was then concurred with—ayes 15, noes 7.

The ayes and noes being demanded by Mr. Gray, seconded by Mr. Childress,

The affirmative voters are, Mr. Speaker Webster, Cahal, Craighead, Gordon, Graves, Henderson, Hynds, Johnson, Ledbetter, Morford, Powell, Robertson, Rogers, Totten and Trousdale—15.

The negative voters are,

Mr. Armstrong, Childress, Gray, Moore, Motley, Reagan and Vernon—7.

The 4th, 5th, 9th, 10th, 11th, 12th and 13th amendments of the House of Representatives to said bill, were non-concurred with by the Senate.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. speaker: The House of Representatives have taken up and considered the Senate's amendments to "a bill making compensation to Pryor Lea for certain services rendered to the State," and concur with all of said amendments; and then he withdrew.

A bill from the House of Representatives to equalize the stay of executions on all sums rendered by justices of the peace, and a bill making an appropriation of money to defray the expenses of the present general assembly, were severally taken up, read a first time and passed.

A bill from the House of Representatives to provide for the establishment of a branch of the Planter's bank at Murfreesborough, was taken up and read a first time.

Mr. Morford moved to strike out the word "McMinnville," out of said bill, which motion prevailed.

The bill then passed a first time.

A message from the House of Representatives by Mr. Mitchell their clerk;

Mr. Speaker: The House of Representatives have taken up and considered the Senate's amendment to a bill from the House to provide for a general system of internal improvement in the State of Tennessee, and concur with said amendment with an amendment thereto herewith transmitted, in which they ask the concurrence of the Senate; and then he withdrew.

The Senate concur with said amendment of the House of Representatives.

Ordered that the clerk acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the several amendments of the Senate to the House's bill to lay off the militia of the State into companies, battalions, regiments, brigades and divisions, and non-concur with all of said amendments, and propose a committee of conference on said amendments, and have appointed Messrs. Northcut, Gentry, Caruthers, Turney, Anderson of Marion, Rogers of Hawkins and Woodfolk to be of said committee on their part, and then he withdrew.

The Senate concurs with the proposition of the House of Representatives to raise a committee of conference on their amendments to the bill above referred to, non-concurred in by the House, and have appointed Mr. Armstrong, Moore, Robertson, Ledbetter, Henderson, Vernon and Rogers to be of said committee on their part.

Ordered that the clerk acquaint the House of Representatives therewith.

A bill to attach a portion of Perry county to Benton county, was taken up, read a first time and passed.

A bill to increase the jurisdiction of justices of the peace, was taken up.

Mr. Gray moved to amend the first section of the bill by striking out $50 for the purpose of inserting one hundred dollars; which motion prevailed.

Mr. Gray moved to strike out the 2d section of the bill, and the sense of the Senate being had thereon, it was determined in the affirmative—ayes 11, noes 5.

The ayes and noes being demanded by Mr. Johnson, seconded by Mr. Ledbetter,

The affirmative voters are, Mr. Speaker Webster, Childress, Craighead, Graves, Gray, Hynds, Ledbetter, Morford, Motley, Reagan, Robertson and Vernon—11.

The negative voters are, Mr. Brown, Henderson, Johnson, Totten and Trousdale—5.

The bill as amended was then read a 2d time and passed.

A bill to provide for the adoption of children in certain cases, was taken up and read a second time.

Mr. Johnson moved to lay said bill on the table till the 15th day of March next; which motion prevailed.

A bill to repeal the 4th section of an act of 1783, chapter 11th, was taken up and read.

Mr. Hynds moved to lay said bill on the table till the 15th day of March next, which motion prevailed.

A bill supplemental to an act passed day of February, 1836, entitled an act to prescribe the duties and define the jurisdiction of justices of the peace, was taken up on its second reading.

Mr. Morford moved the indefinite postponement of said bill; which motion prevailed, and the bill was rejected.

A bill for the benefit of James Vaughn and Wm. Gully, was taken up on its second reading.

Mr. Trousdale moved the indefinite postponement of said bill, which motion prevailed and the bill was rejected.

Mr. Speaker Webster, then on the floor, moved a reconsideration of the vote rejecting the above bill, which motion prevailed, and the bill was ordered to the table.

A bill further to provide for the election of mayor and aldermen in the several incorporated towns in this State, was taken up, read a second time and passed.

A bill to incorporate the town of Madisonville in Monroe county, was taken up.

Mr. Robertson offered an additional section to the bill, which was accepted.

Mr. Cahal offered the following additional section to the bill, to wit: Sec.

Be it enacted, that so much of the general revenue bill as imposes a tax of fifty dollars in each county, on shows, is hereby repealed, and that the same shall be taxed twenty-five dollars in each county, as a State tax, which was rejected.

Mr. Speaker Webster, then on the floor, offered an additional section to the bill, which was accepted.

The bill as amended read a second time and passed.

A bill to provide for the transfer of law suits in certain cases, was taken up.

Mr. Trousdale offered an amendment to the bill, which was accepted.

The bill as amended read a second time and passed.

A bill supplemental to an act entitled an act to extend the benefits of the first section of an act, chapter 40, passed at Nashville the 30th of December, 1829, was taken up, read a 2d time and passed.

A bill supplemental to an act entitled an act to establish a new county of the name of Cannon, to be composed of parts of Warren, Rutherford and Smith counties, passed 31st January, 1836, was taken up, together with the proposed amendments of Mr. Trousdale;

Said amendments were adopted.

Mr. Ledbetter moved to strike out of the section of the bill the words "at the expense of the county of Cannon;"

Which motion prevailed.

The bill was then read a second time and passed.

A bill more effectually to secure the estates of minors, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the negative—ayes 5, noes 13.

The ayes and noes being required by the constitution,

The affirmative voters are, Mr. Hynds, Ledbetter, Motley, Reagan and Robertson—5.

The negative voters are, Mr. Speaker Webster, Armstrong, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Moore, Totten, Trousdale and Vernon—13.

And so said bill was rejected.

A bill supplemental to an act prohibiting the drawing of lotteries and the sale of lottery tickets; a bill incorporating the town of Lawrenceburg; a bill concerning navigable rivers; a bill to amend the penal laws of this State, and a bill making an appropriation of money for the payment of a debt due by the State to the Union Bank, by the late convention to amend the constitution of this State;

Were severally taken up, read a second time and passed.

Mr. Armstrong moved the reconsideration of the vote of the Senate rejecting a bill to provide for refunding money in certain cases; which motion prevailed.

The bill was then read a second time and passed.

A bill to provide for the settling a controversy between the colleges and academies, and the citizens south of French Broad and Holston, and west of Big Pigeon rivers, was taken up on its second reading.

Mr. Trousdale moved to lay the said bill on the table till the 8th day of January, 1837,

And the sense of the Senate being had on said motion, it was determined in the affirmative—ayes 14, noes 4.

The ayes and noes being demanded by Mr. Gordon, seconded by Mr. Gray,

The affirmative voters are, Mr. Speaker Webster, Armstrong, Childress,

Graves, Gray, Henderson, Johnson, Moore, Motley, Reagan, Robertson, Totten, Trousdale and Vernon—14.

The negative voters are,

Mr. Craighead, Gordon, Hynds and Ledbetter—4.

A bill to provide for persons who have acquired more than one occupant claim, was taken up.

Mr. Gordon moved to strike out the first section of the bill; which motion prevailed.

The bill was then read a second time and passed.

A bill to amend the penal laws of this State, was taken up, read a second time and rejected.

A bill to repeal all laws now in force authorising the county courts to make an allowance to attorneys general; a bill to regulate the practice in taking bond and security for prosecution of certiorari, in cases of forcible entry and detainer, and unlawful detainer; a bill to authorize the taxation of costs in cases where persons have been bound to keep the peace; a bill to prescribe the degree of relationship that shall render judicial officers incompetent to try causes, and for the appointment of special judges in certain cases, under the 11th section of the 6th article of the constitution; a bill to repeal part of an act entitled an act concerning a part of the internal improvement fund of Humphreys county and for other purposes; a bill to incorporate Athens male and female academy in Fayette county; a bill supplemental to an act passed the present session of the general assembly, entitled an act to extend the corporation of the town of Murfreesborough; a bill to provide for the viewing and laying off a road from Cumberland Gap to the Smoky mountain turnpike road; a bill for the benefit of Return J. Meigs and Robert H. Hynds, and a bill to provide for the appointment of trustees of Mount Cumberland academy in Fentress county; were severally taken up, read a second time and passed.

A bill to regulate free negroes and for other purposes was taken up.

Mr. Trousdale moved to strike out the word "presume" in the first section of the bill,

Which motion prevailed.

Mr. Henderson moved to strike out "ten" and insert "twenty," also to insert $50 in the second section of the bill, which motion also prevailed;

The bill was then read a second time and passed.

A bill to compel owners of land to have the same processioned in certain cases, was taken up on its second reading.

Mr. Gordon moved the indefinite postponement of the bill, which motion prevailed, and the bill was rejected.

A bill prescribing the mode of compelling sheriffs and other officers to pay over monies collected by them, was taken up on its 2d reading.

Mr. Craighead moved the indefinite postponement of said bill,

Which motion prevailed and the bill was rejected.

A bill to incorporate the town of Wesley in the county of Haywood, was taken [up.]

Mr. Gordon moved an amendment in lieu of the whole bill from the enacting clause; which was accepted.

The bill as amended read a second time and passed.

A bill to incorporate the inhabitants of Lexington in Henderson county, was taken up.

Mr. Gordon offered an amendment in lieu of the whole bill from the enacting clause; which was accepted.

The bill read a second time and passed.

A bill to authorize Benjamin F. Grayson, John A. Pickett and Edward F. Pickett to open and keep in repair a turnpike road across Walden's ridge, was taken up.

Mr. Gray moved to strike out all the bill from the enacting clause, which motion prevailed.

The bill was then passed a second time.

A bill to amend an act entitled an act incorporating the Memphis and Lagrange rail road company, was taken up.

Mr. Robertson moved to fill the blanks in the bill, which motion prevailed.

The bill was then read a second time and passed.

A bill making an additional appropriation to complete the Lunatic Hospital in this State, was taken up; read a second time and passed.

A bill extending the time for complying with an act passed at Nashville, 13th October, 1832, entitled "an act to establish a turnpike road from the town of Murfreesboro' to the top of the ridge in a direction to McMinnville;" a bill to repeal the 3d section of an act passed October the 11th, 1832, establishing a part of the dividing line between the counties of Bledsoe and Marion, and a bill to incorporate the Middle and East Tennesseo rail road company, were severally taken up, read a second time and passed.

A bill to authorize the county court of Cocke county to grant to Howell Huston a charter for a turnpike road, was taken up.

Mr. Trousdale moved the indefinite postponement of the bill, which motion prevailed, and the bill was rejected.

A bill to incorporate the Paris and Randolph rail road company, was taken up.

Mr. Speaker Webster then on the floor offered an amendment to the bill, which was accepted.

The bill as amended, read a second time and passed.

And then the Senate adjourned till [to-morrow] morning, 9 o'clock.

FRIDAY, FEBRUARY 19th, 1836.

Mr. Armstrong from the committee on military affairs made the following

REPORT.

The committee to whom was referred a bill to revise and amend the militia laws of this State, have had the same under consideration, and report the same provided for in the bill amended and reported by said committee, which has passed its third and last reading in both branches of the general assembly, which is respectfully submitted.

H. C. ARMSTRONG, *Chairman &c.*

Said report was concurred in.

Mr. Johnson submitted a resolution appointing commissioners to lay off that part of Montgomery county taken from Robertson, by an act passed at the present session of the general assembly into civil districts.

The rule requiring resolutions to lie on the table one day, was suspended on motion of Mr. Johnson, and the resolution adopted;

Ordered that the clerk acquaint the House of Representatives therewith.

On motion of Mr. Webster the rule requiring resolutions to lie on the table one day was suspended during the remainder of the session.

Mr. Craighead moved to reconsider the vote rejecting a bill to authorize femes covert to act as femes sole, in certain circumstances, which prevailed.

The bill was amended on motion of Mr. Morford and read and passed a third time—yeas 17, noes 5.

The ayes and noes being demanded by the constitution,

Those who voted in the affirmative are, Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Love, Moore, Morford, Motley, Powell, Robertson and Trousdale—17.

Those who voted in the negative are, Mr. Henderson, Reagan, Rogers, Totten and Vernon—5.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. speaker: The House of Representatives have read and passed a third time, a bill concerning divorces and to regulate proceedings in suits which may hereafter be brought in this State in such cases, with sundry amendments thereto, herewith transmitted, in which they ask the concurrence of the Senate, and then he withdrew.

Said amendments were concurred in by the Senate,

Ordered that the clerk acquaint the House of Representatives therewith.

On motion of Mr. Armstrong the Senate took up a resolution from the House of Representatives, directory to William M. Berryhill, bank agent,

And the question being taken on concurring with said resolution, it was determined in the affirmative—ayes 17, noes 5.

The ayes and noes being demanded by Mr. Johnson,

Those who voted in the affirmative are, Mr. Speaker [Webster,] Armstrong, Brown, Craighead, Gordon, Graves, Gray, Ledbetter, Love, Moore, Motley, Powell, Robertson, Rogers, Trousdale and Vernon—17.

Those who voted in the negative are, Mr. Cahal, Childress, Henderson, Johnson, and Totten—5.

So said resolution was concurred in,

Ordered that the clerk acquaint the House of Representatives therewith.

The Senate took up the amendments proposed by the House of Representatives to a bill to amend an act to incorporate the town of Nashville.

Mr. Craighead moved to amend the amendments by inserting "such tax as the circuit court is authorized by law to assess in similar cases."

Which amendment was agreed to.

Ordered that the clerk acquaint the House of Representatives therewith.

Mr. Ledbetter, from the committee on enrollments, reported as correctly enrolled an act to incorporate the Tennessee and Coosa rail road company,

Said enrolled act was signed by the speaker.

A message from the House of Representatives by Mr. Mitchell, their clerk.

Mr. speaker: The House of Representatives have taken up the various amendments of the Senate to "a bill supplemental to an act entitled an act to establish circuit courts, passed at the present session of the general assembly," and non-concur in all the amendments to said bill except the amendments of the Senate to the 4th section, 6th and 8th sections, in which amendments they concur with an amendment to the Senate's amendment to the 8th section, in which they ask the concurrence of the Senate.

And then he withdrew.

On motion of Mr. Hynds the Senate insist on their amendments and non-concur with the message.

Mr. Hynds moved to appoint a committee of conference on the amendments to said bill.

Which was agreed to.

Whereupon Messrs. Hynds, Gordon, Craighead, Robertson and Cahal were appointed on the part of the Senate.

Mr. Cahal offered the following resolution, to wit:

Resolved, That the committee on claims are hereby directed to ascertain the amount of per diem pay, mileage of the members, stationery and contingent expenses of the Senate to Monday the 22nd inst. and report the same. Said resolution was adopted.

The *House* [Senate] took up a bill for the benefit of James Vaughn and William Gully.

Said bill was amended on motion of Mr. Moore, and read a third time and the question being had, Shall the bill pass? it was determined in the affirmative—ayes 16, noes 7.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. Armstrong, Brown, Craighead, Gordon, Graves, Gray, Henderson, Ledbetter, Love, Moore, Morford, Powell, Reagan, Robertson, Rogers and Vernon—16.

The negative voters are,

Mr. Cahal, Childress, Hynds, Johnson, Motley, Totten and Trousdale —7.

The Senate took up a bill prescribing the mode of choosing electors to vote for President and Vice President of the United States.

Mr. Ledbetter moved to insert the word "first" between the words Monday and Tuesday, which was agreed to, and the bill read and passed a third time—ayes 14, noes 10.

The ayes and noes being demanded by the constitution, those who voted in the affirmative are,

Mr. Webster, Armstrong, Brown, Cahal, Childress, Craighead, Graves, Gray, Henderson, Hynds, Ledbetter, Motley, Robertson and Rogers—14.

Those who voted in the negative are,

Mr. Gordon, Johnson, Love, Moore, Morford, Powell, Reagan, Totten, Trousdale and Vernon—10.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. speaker: The House of Representatives have adopted an amendment to the bill to incorporate the Coosa rail road company.

And then he withdrew.

Said amendment was concurred in.

A resolution directory to the Secretary of State from the House of Representatives, was taken up and concurred in by the Senate.

The House took up a bill to amend an act entitled an act to establish chancery courts, passed at the present session of the general assembly.

Mr. Ledbetter offered an additional section to the bill and called the yeas and nays on its adoption, and the question being taken on agreeing thereto, it was determined in the affirmative—ayes 12, noes 11.

Those who voted in the affirmative are,

Messrs. Armstrong, Brown, Cahal, Childress, Gorden, Henderson, Hynds, Johnson, Ledbetter, Morford, Rogers and Trousdale—13.

Those who voted in the negative are,

Messrs. Craighead, Graves, Gray, Love, Moore, Motley, Powell, Reagan, Robertson, Totten and Vernon—11.

The bill was then read a third time and the question being taken, Shall the bill pass? it was determined in the affirmative—ayes 13, noes 7.

The affirmative voters are,

Messrs. Brown, Cahal, Childress, Gordon, Gray, Hynds, Johnson, Ledbetter, Love, Morford, Robertson, Rogers and Trousdale—13.

The negative voters are,

Messrs. Armstrong, Graves, Moore, Powell, Reagan, Totten and Vernon—7.

The Senate took up a bill to incorporate the Paris and Randolph rail road company.

Mr. Henderson offered an amendment to the 17th section, which was agreed to.

Mr. Rogers moved to strike out the 26th section, which was agreed to.

Mr. Totten offered an amendment in lieu of the 26th section, which was also agreed to.

Mr. Hynds offered an amendment in lieu of the 36th section, which was also agreed to.

The bill was further amended on motion of Mr. Love, and read and passed a third time—yeas 23, nays 00.

The ayes and noes being demanded by the constitution, those who voted in the affirmative are,

Messrs. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon.

Mr. Craighead, from the committee on enrollments, reported as correctly enrolled the following acts, to wit:

An act to provide for electing a register for the issuing of grants in this State.

An act to amend an act entitled an act to appoint suitable persons to open

and keep in repair that part of the road leading from South West Point to Carthage, which lies on Cumberland mountain, passed 15th November, 1815.

An act to provide for the holding of courts in the county of Meigs, and for other purposes.

An act to authorise the clerks of courts of record in this State to take the probate or acknowledgment of plats and certificates of survey and location.

An act to authorise the sale of part of the public square in the town of Waynesborough, and an act to establish the Forked-Deer turnpike company.

Said acts were signed by the speaker and ordered to be transmitted to the House of Representatives.

A message from the House of Representatives by Mr. Mitchell their clerk:

Mr. speaker: The House of Representatives have read a third time and passed a bill to incorporate the Hiwassee rail road company, with an amendment thereto, in which they ask the concurrence of the Senate.

And then he withdrew.

Whereupon, on motion of Mr. Reagan, the Senate concur with said amendment.

Ordered, that the clerk acquaint the *Senate* [House of Representatives] therewith.

The *House* [Senate] took up a bill supplemental to an act entitled an act to establish a new county by the name of Cannon, to be composed of parts of the counties of Warren, Rutherford and Smith, passed 31st January, 1836.

Said bill was amended on motion of Mr. Motley, and the bill read a third time and passed.

The ayes and noes being required by the constitution, those who voted in the affirmative are,

Messrs. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon.

The Senate took up a bill to authorise Benjamin F. Grayson, John A. Pickett and Edward T. Pickett, to open and keep in repair a turnpike road across Walden's ridge.

Mr. Robertson offered an amendment in lieu of the whole bill, from the enacting clause, which was adopted by the Senate.

Mr. Robertson moved to strike out the caption of the bill after the words "a bill," and insert in lieu thereof "to incorporate the Memphis and Raleigh rail road company."

Which was agreed to, and the bill as amended was read a third time and passed—yeas 21, nays 2.

The ayes and noes being demanded by the constitution, those who voted in the affirmative are,

Mr. speaker Webster, Armstrong, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—21.

The negative voters are, Mr. Moore and Morford—2.

Mr. Powell submitted the following:

Resolved, That the Senate tender to Jonathan Webster, speaker of the Senate, their sincere thanks for the consistent and impartial manner in which he has presided over the deliberations of the present important session.

Which was adopted unanimously.

Mr. Cahal submitted the following:

Whereas, the members of the Senate have learned with deep regret, that Edward B. Littlefield, a Senator from the county of Maury in the last general assembly of Tennessee, departed this life last night at 7 o'clock at his residence in the city of Nashville. Therefore,

Resolved, That as a testimony of the high respect which the members of this body entertain for his private worth and public services, the Senate will adjourn and the members attend his funeral at 3 o'clock this evening.

Said resolution was read and unanimously adopted.

Mr. Vernon submitted the following:

Resolved by the General Assembly of the State of Tennessee, That a joint select committee be appointed to wait on his Excellency the Governor, and inform him that the two branches of the General Assembly are now about to close their labors, and to know of his excellency if he has any further communication to make them, eitheir verbal or written.

Said resolution was adopted.

The Senate took up the amendments of the House to the bill to establish the county of Marshall.

Mr. Cahal moved to amend the amendments so as to change the time of holding the circuit courts for the county of Marshall, from the 2nd Monday of March, June and December, to the 4th Monday in said months.

Which was agreed to.

Mr. Gordon moved to non-concur with so much as attaches Lawrence to the 11th judicial circuit.

Which was also agreed to.

Mr. Cahal moved to attach Marshall county to the 5th circuit, which failed.

Mr. Webster moved a further amendment, which was agreed to.

The Senate took up the amendments to a bill to abolish the surveyors offices south and west of the congressional reservation line, and for other purposes, and concurred in the amendments.

Ordered that the clerk acquaint the *Senate* [House of Representatives] therewith.

A bill to attach a part of the county of Perry to Benton, was taken up amended on motion of Mr. Brown, and passed second time.

A bill making an appropriation to defray the expenses of the present session of the general assembly, was read and passed a 2nd time.

A bill to incorporate the Middle and East Tennessee rail road company, [was taken up.]

Mr. Hynds moved to strike out "April" in [the] 2nd section, and insert September, which prevailed.

Mr. Ledbetter moved to strike out the 9th section, which was agreed to.

Mr. Webster moved to amend the second section, agreed to.

Mr. Ledbetter moved to strike out the 25th section, which was agreed to and proviso to the 26th.

Mr. Gray, moved to strike out "branch" in 27th section, and wherever it occurs in the bill, agreed to.

Mr. Hynds offered an amendment in lieu of the 25th section, which prevailed.

The 31st section was further amended on motion of Mr. Hynds.

Mr. Graves offered an additional section to the bill, which was adopted.

The bill as amended was then read a third time and passed—ayes 20, noes 00.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Moore, Motley, Powell, Reagan, Robertson, Totten and Vernon—20.

Mr. Morford submitted the following:

Resolved, That the thanks of this general assembly be presented to Col. Robert Armstrong, post master at Nashville, for the kind attention he has paid to this general assembly in furnishing them with their letters, papers, and other documents during the present session of the general assembly.

Which was unanimously adopted.

Mr. Cahal, from the committee of conference, on the amendments to a bill to amend an act passed 15th December, 1831, entitled an act to tax the retailers of spirituous liquors, and to appropriate the monies arising therefrom to the use of common schools, made the following report:

The committee agree to adopt the amendment proposed by the Senate in lieu of the bill from the House, with the following amendments after the figures "1831" in the last line, but three of the first section; they have agreed to add the amendment marked A. and at the end of the same section add amendment B.

They have agreed to adopt two additional sections marked "C." signed T. H. Cahal, Chairman on part of the Senate.

The question was taken on the first amendment mentioned in the report, and concurred in—ayes 11, noes 7.

The ayes and noes being demanded by Mr. Childress, those who voted in the affirmative are,

Mr. speaker Webster, Cahal, Gordon, Graves, Gray, Hynds, Motley, Reagan, Totten, Trousdale and Vernon—11.

Those who voted in the negative are,

Mr. Armstrong, Brown, Childress, Johnson, Ledbetter, Moore and Morford—7.

The remainder of the report was concurred in.

Ordered, that the clerk acquaint the House of Representatives therewith.

The Senate took up a bill to provide for the election of a coroner and ranger in the several counties in this State, agreeable to the 1st section of the 7th article of the amended constitution.

Said bill was read a third time and rejected.

A bill to provide for the appointment of a board of common school commissioners in this State and to secure the common school fund.

Mr. Johnson moved to fill the blank in the bill with $1500 as the salary of the superintendent of public instruction.

Mr. Graves called the ayes and noes, and the question being taken thereon, it was determined in the affirmative—ayes 14, noes 7.

Those who voted in the affirmative are,

Mr. speaker Webster, Brown, Cahal, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Moore, Morford, Totten, Trousdale and Vernon—14

Those who voted in the negative are,

Mr. Armstrong, Childress, Graves, Hynds, Motley, Reagan and Robertson—7.

Mr. Hynds, moved to lay the bill on the table which motion failed—ayes 10, noes 11.

The ayes and noes being demanded by Mr. Johnson, those who voted in the affirmative are,

Mr. Cahal, Childress, Craighead, Gordon, Graves, Henderson, Hynds, Morford, Robertson and Vernon.

Those who voted in the negative are,

Messrs. speaker Webster, Armstrong, Brown, Gray, Johnson, Ledbetter, Moore, Motley, Reagan, Totten and Trousdale.

Mr. Hynds offered an amendment:—

Be it enacted, That it shall be lawful for all persons who may now be indebted to the common school fund, to pay the same in notes on the State bank of North Carolina and its branches; South Carolina and its branches, the State bank of Georgia and its branches; the State bank of Alabama and its branches; the notes of the Union and Planters bank of Tennessee; notes on any of the banks of Virginia, or on the bank of the United States.

Amendment provided that said notes are at par, and if not, then at their value, which was amended on motion of Mr. Childress, and rejected.

Mr. Graves offered the following amendment:

That the said superintendent of public instruction, provided for by this act, shall not be elected before the next session of the legislature, and the comptroller of the treasury shall perform all the duties enjoined on the superintendent of public instruction by this act, until he is elected.

Said amendment was rejected.

Mr. Gordon offered the following amendment:

Be it enacted, That it shall not be lawful for the superintendent to call in from any county the common school fund belonging to said county, unless he shall be satisfied that the same has been mismanaged in the county to which the same may belong, and in that event all such money when so called in, shall be placed to the credit and invested for the benefit of the county from which the same may be drawn in.

Mr. Graighead offered the following in lieu of Mr. Gordon's amendment:

Be it enacted, That the superintendent, in calling in the school fund which has been distributed amongst the counties, shall keep a regular account, charging each county with the amount originally distributed, and crediting the amount by each repaid with interest thereon, so that in any future distribu-

tion all the counties of the State may be made equal according to population.

Said amendment was accepted in lieu of Mr. Gordon's—ayes 12, noes 9.

The ayes and noes being demanded by Mr. Gordon, those who voted for the amendment are,

Messrs. Speaker Webster, Armstrong, Cahal, Craighead, Gray, Johnson, Ledbetter, Moore, Robertson, Totten, Trousdale and Vernon.

The negative voters are,

Mr. Brown, Childress, Gordon, Graves, Henderson, Hynds, Morford, Motley and Reagan.

The question then recurred on the amendment as amended.

The amendment was rejected—ayes 9, noes 12.

The ayes and noes being demanded by Mr. Totten,

Those who voted in the affirmative are, Mr. speaker Webster, Armstrong, Childress, Craighead, Gordon, Hynds, Johnson, Moore and Robertson;

Those who voted in the negative are, Messrs. Brown, Cahal, Graves, Gray, Henderson, Ledbetter, Morford, Motley, Reagan, Totten, Trousdale and Vernon.

Mr. Hynds moved to strike out "25 per cent," and insert "15 per cent," which failed—ayes 8, noes 14.

The ayes and noes being demanded by Mr. Totten,

The affirmative voters are, Messrs. Armstrong, Brown, Childress, Graves, Gray, Hynds, Morford, Motley.

The negative voters are, Messrs. Webster, Cahal, Craighead, Gordon, Henderson, Johnson, Ledbetter, Moore, Reagan, Robertson, Totten, Trousdale and Vernon.

Mr. Brown moved to strike out "25 per cent," and insert "10," which failed—yeas 5, nays 16.

The ayes and noes being demanded by Mr. Brown,

The affirmative voters are, Messrs. Brown, Graves, Hynds, Morford and Motley.

Those who voted in the negative are, Messrs. Speaker Webster, Armstrong, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Moore, Reagan, Robertson, Totten, Trousdale and Vernon.

Mr. Hynds moved to strike out "25" and insert "20," which motion also failed—yeas 10, nays 11.

The ayes and noes being demanded by Mr. Hynds,

The affirmative voters are, Mr. speaker Webster, Armstrong, Brown, Childress, Graves, Henderson, Hynds, Morford, Motley and Vernon.

The negative voters are, Mr. Cahal, Craighead, Gordon, Gray, Johnson, Ledbetter, Moore, Reagan, Robertson, Totten and Trousdale.

The bill as amended was then read a third time, and the question, Shall the bill pass? it was determined in the affirmative—ayes 13, noes 8.

Those who voted in the affirmative are, Mr. Speaker Webster, Cahal, Craighead, Gray, Henderson, Johnson, Ledbetter, Moore, Morford, Reagan, Totten, Trousdale and Vernon.

Those who voted in the negative are Mr. Armstrong, Brown, Childress, Gordon, Graves, Hynds, Motley and Robertson.

A bill to settle the controversy with the Union Bank of the State of Tennessee, and for other purposes.

Mr. Cahal offered the following amendment to the first section.

And provided also that before said stock shall be offered for sale the president and directors of said bank shall procure the consent of the stockholders, that the charter shall be so amended as to restrain said bank from discounting bills of exchange and promissory notes, and from lending money at a greater rate than six per cent per annum.

Said amendment was adopted—ayes 12, noes 9.

The ayes and noes being demanded by Mr. Cahal,

Those who voted in the affirmative are, Mr. Webster, Armstrong, Cahal, Graves, Gray, Hynds, Moore, Morford, Motley, Robertson, Totten and Vernon.

Those who voted in the negative are, Mr. Brown, Childress, Craighead, Gordon, Henderson, Johnson, Ledbetter, Reagan and Trousdale.

The bill was read a third time and the question being had, Shall the bill pass? it was determined in the affirmative—yeas 11, noes 10.

The ayes and noes being demanded by Mr. Totten,

Those who voted in the affirmative are, Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Johnson, Ledbetter, Morford and Robertson.

Those who voted in the negative are, Mr. Armstrong, Graves, Gray, Hynds, Moore, Motley, Reagan, Totten, Trousdale and Vernon.

So said bill was passed a second time.

A bill further to provide for the election of mayor and aldermen of the several incorporated towns, was taken up, amended on motion of Mr. Moore, and read a third time and passed—ayes 15, noes 2.

The ayes and noes being required by the constitution,

Those who voted in the affirmative are, Mr. Speaker Webster, Armstrong, Childress, Cahal, Gordon, Gray, Henderson, Ledbetter, Moore, Morford, Motley, Reagan, Robertson and Vernon.

Those who voted in the negative are, Messrs. Totten and Trousdale.

A bill to establish a branch of the Planter's Bank at Murfreesboro',

Was taken up, read a second time and passed.

A bill to equalize the stay of executions rendered by justices of the peace, amended on motion of Mr. Cahal, and passed a second time.

A bill to amend an act entitled an act prescribing the mode of conveying criminals to the public jail and penitentiary house established in this State and for their government therein, passed 28th December, 1827, and for other purposes, amended on motion of Mr. Cahal and read a third time and passed —ayes 18, noes 00.

The ayes and noes being required by the constitution,

Those who voted in the affirmative are, Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Moore, Morford, Motley, Reagan, Totten and Vernon—18.

A bill to amend the penal laws of this State was read and passed a third time—ayes 10, noes 7.

The ayes and noes being required by the constitution,

Those who voted in the affirmative are, Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Gray, Moore, Totten and Trousdale.

Those who voted in the negative are, Mr. Craighead, Graves, Henderson, Johnson, Motley, Reagan and Vernon.

A bill supplemental to an act entitled an act prohibiting the drawing of lotteries and the sale of lottery tickets, was read a third time and passed—ayes 12, noes 6.

The ayes and noes being required by the constitution,

Those who voted in the affirmative are, Mr. Speaker Webster, Armstrong, Brown, Cahal, Craighead, Gray, Johnson, Ledbetter, Moore, Motley, Reagan, and Trousdale.

Those who voted in the negative are, Mr. Childress, Gordon, Graves, Henderson, Totten and Vernon.

A bill to authorize the sale in certain cases, of real estate belonging to minors;

On motion of Mr. Craighead said bill was indefinitely postponed.

A bill to provide for the election of commissioners of school lands in Lincoln county, was read a third time and passed—ayes 10, noes 8.

The ayes and noes being demanded by Mr. Cahal,

Those who voted in the affirmative are, Mr. Armstrong, Brown, Craighead, Gray, Johnson, Ledbetter, Moore, Reagan, Trousdale and Vernon.

Those who voted in the negative are, Mr. Webster, Cahal, Childress, Gordon, Henderson, Motley, Totten and Graves.

A bill to provide for persons who have acquired more than one occupant claim, was read a third time and passed—ayes 9, noes 8.

The ayes and noes being required by the constitution, those who voted in the affirmative are,

Mr. Webster, Armstrong, Cahal, Craighead, Gordon, Gray, Henderson, Johnson and Totten.

Those who voted in the negative are, Mr. Brown, Childress, Graves, Moore, Motley, Reagan, Trousdale and Vernon.

A bill to incorporate the Nashville and Kentucky turnpike company was read a third time and passed—ayes 14, noes 3.

The ayes and noes being required by the constitution,

Those who voted in the affirmative are, Messrs. speaker Webster, Brown, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Moore, Motley, Reagan, Trousdale and Vernon

Those who voted in the negative are, Messrs. Armstrong, Cahal and Totten.

A bill to incorporate the town of Lawrenceburg was taken up, read a third time and passed.

And then the Senate adjourned.

SATURDAY, FEBRUARY 20th, 1836.

Mr. Hynds, from the committee of conference on the bill supplemental to an act to establish circuit courts, made report that the committee had agreed to the amendments to said bill with some modifications.

Mr. Robertson moved that so much of the report as relates to the holding of courts in the county of Lawrence, be non-concurred with.

Said motion failed.

The first part of the report was concurred with. The second part of the report was non-concurred with.

Mr. Cahal called for the ayes and noes.

Those who voted for a concurrence were Mr. Armstrong, Childress, Hynds, Johnson, Powell, Robertson and Totten,

Those who voted against a concurrence were, Mr. Brown, Cahal, Craighead, Gordon, Graves, Gray, Henderson, Ledbetter, Love, Moore, Motley, Reagan, Rogers, Trousdale and Vernon.

The balance of the report was, re-committed to the committee of conference.

The Senate took up a bill supplemental to an act to establish the county of Bradley, which bill was read a third time and passed.

A message from the House of Representatives by Mr. Mitchell, their clerk;

Mr. Speaker: The speaker of the House of Representatives has this day signed enrolled acts of the following titles, to wit:

An act making compensation to Pryor Lea for services rendered to the State.

An act to incorporate and charter a turnpike company in Warren county.

An act incorporating the town of Lawrenceburg.

An act to alter the dividing line between the counties of Marion and Hamilton, on the south side of the Tennessee river.

An act to amend the penal laws of the State.

An act concerning navigable rivers.

An act to repeal all laws now in force authorizing the county court, to make allowances to attorney generals.

An act to provide for the publication of the laws and journals, and for other purposes.

An act for the benefit of the Jonesboro' female academy, and for other purposes.

An act to provide for persons who have acquired more than one occupant claim.

An act to incorporate the Nolensville turnpike company and for other purposes.

An act for the benefit of James Vaughn and Wm. Gully.

An act to encourage internal improvement in this State.

An act to authorize the president and directors of the Union Bank to establish branches at Randolph, Lagrange and Carthage.

An act to incorporate the town of Bigbyville in Maury county.

An act to make provision for certain claims due by the board of commissioners of internal improvement for Fayette county.

An act for the benefit of William Bayless, surveyor general of the Hiwassee District.

An act supplemental to an act to prohibit the drawing of lotteries and the sale of lottery tickets.

An act supplemental to an act entitled an act to extend the benefits of the first section of an act, chapter 40, passed at Nashville on 30th Dec. 1829.

An act prescribing the mode of electing electors to vote for President and Vice President of the United States.

An act supplemental to an act to establish the county of Bradley.

A resolution directory to the Secretary of State.

A resolution directory to William M. Berryhill, bank agent of the bank of the State of Tennessee.

Said enrolled acts and resolutions were signed by the Speaker.

Ordered that they be deposited in the office of the Secretary of State.

A resolution from the House of Representatives proposing to go into all the elections yet to be filled by the legislature at 3 o'clock this day, was taken up and concurred in.

A message from the House of Representatives, by Mr. Mitchell their clerk:

Mr. Speaker: I am directed to inform the Senate that the House of Representatives are now ready to receive them to go into the various elections set apart for this day, and then he withdrew.

Whereupon, the Speaker and gentlemen of the Senate repaired to the hall of the House of Representatives.

The resolution having been read that called the two houses together, they proceeded to the election of a Comptroller of the Treasury.

Mr. Daniel Graham in nomination, there being no opposition, the vote of the Senate was,

For Graham—Mr. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—24.

The vote of the House of Representatives being continued and had, and the result announced. The Speaker of the Senate declared Daniel Draham, Esq. of Rutherford county, to be duly and constitutionally elected Comptroller of the Treasurey for the period of two years.

The two houses in like manner proceeded to the election of a superintendent of public instructions.

Messrs. Robert H. McEwen, Isaac Dennison, George Wilson and Joseph H. Marshall, being in nomination.

The vote of the Senate was,

For McEwen.	For Wilson.	For Dennison.	For Marshall.
Webster,	Childress,	Gray,	Armstrong,
Brown,		Johnson,	
Cahal,		Love,	
Craighead,		Rogers,	
Gordon,		Totten,	
Graves,		Trousdale,	
Hynds,		Henderson,	
Ledbetter,			
Moore,			
Morford,			
Powell,			
Reagan,			
Robertson,			
Vernon,			
Motley, 15	1	7	1

The vote of the House of Representatives being continued and had, and the result announced, the Speaker of the Senate declared Robert H. McEwen, Esq'r, of Davidson county, to be duly and constitutionally elected superintendent of public instructions for the period of two years.

The Speaker and gentlemen of the Senate then repaired to their own chamber.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives insist on their amendments to the bill establishing the county of Marshall, and propose a committee of conference, and have appointed Messrs. Jones, Hunt and Cleveland, to be of said committee on their part, and then he withdrew.

Whereupon the Senate took up and considered the message, and appointed Messrs. Cahal, Gordon and Brown to be of said committee on their part.

Ordered that the clerk inform the House of Representatives of the concurrence of the Senate.

The Senate took up the amendments of the House of Representatives to the bill to alter the time of holding the chancery courts of Smith and the circuit courts of Jackson county, and concurred in the amendments of the House.

The Senate took up a bill making an additional appropriation to complete the Lunatic Hospital in this State.

Mr. Gray moved to strike out so much as relates to the employment of an agent to visit other similar institutions; which prevailed.

Mr. Ledbetter moved to strike out $5,000 and insert $2,500.

Mr. Morford offered an amendment, which, on motion of Mr. Vernon was indefinitely postponed.

The bill was then read a third time and rejected—ayes 10, noes 12.

The ayes and noes being required by the constitution,

Those who voted in the affirmative are, Mr. Speaker Webster, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Moore and Trousdale.

Those who voted in the negative are, Messrs. Armstrong, Graves, Ledbetter, Love, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon.

Mr. Love moved to re-consider the vote just taken, which was agreed to.

Mr. Trousdale moved to re-consider the vote rejecting Mr. Ledbetter's amendment, which prevailed.

The question then recurred upon the passage of the bill a third time.

And the bill was rejected—ayes 9, nays 15.

The affirmative voters are, Messrs. Brown, Cahal, Childress, Craighead, Gordon, Johnson, Love, Moore, and Trousdale.

The negative voters are, Mr. Speaker Webster, Armstrong, Graves, Gray, Henderson, Hynds, Ledbetter, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon.

The Senate took up a bill to amend an act entitled an act to incorporate the Memphis and Lagrange rail road company, which was read a third time and passed.

Mr. Cahal from the committee of conference on the amendments to the bill to establish the county of Marshall, made a report which was concurred in by the Senate, except so much as relates to the time of holding courts in the county of Lawrence; which, on motion of Mr. Robertson was non-concurred in.

Mr. Love submitted the following.

Resolved, that the committee of internal improvement be required to enquire into the propriety of selling to the highest bidder, the Lunatic Asylum, to some company of manufactory, and report the same to the same to the present legislature.

Said resolution was, on motion of Mr. Morford, laid on the table.

Mr. Hynds moved to re-consider the vote rejecting the bill making an appropriation for the completion of the Lunatic Hospital; which motion prevailing,

Mr. Ledbetter moved to strike out $5,000 and insert $2,500, which prevailed.

The bill as amended was then read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—yeas 16, nays 6.

Those who voted in the affirmative are, Messrs. Speaker Webster, Brown, Cahal, Craighead, Gordon, Graves, Gray; Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Powell and Robertson.

Those who voted in the negative are, Messrs. Motley, Reagan, Rogers, Totten, Trousdale and Vernon.

Mr. Cahal moved to recommit the report of the committee of conference to said committee, on the amendments to a bill establishing the county of Marshall, which motion prevailed and the report recommitted.

A bill to provide for the appointment of trustees to the Mount Cumberland academy, was taken up amended on motion of Mr. Cahal, and passed a third time.

On motion of Mr. Cahal, Messrs. Powell, Rogers and Love, who were absent be indisposition, had leave granted them to record their votes against the passage of the bill to appoint a board of common school commissioners, and to secure the common school fund.

Which bill passed on yesterday.

The Senate took up a bill to regulate the practice in taking bond and security for the prosecution of certioraris, in cases of forcible entry and detainer and in forcible detainer, which bill was read a third time and passed—yeas 22, noes 00.

The ayes and noes being demanded by the constitution, those who voted in the affirmative are,

Messrs. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Gray, Graves, Henderson, Hynds, Johnson, Ledbetter, Love, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon.

Mr. Cahal, from the committee of conference on the amendments to a bill to establish the county of Marshall, made a report making it the duty of the judges of the 8th and 11th judicial circuits to hold the courts alternately in the county of Lawrence.

Mr. Robertson moved a non-concurrence with so much of said report as relates to Lawrence county.

Which motion failed.

The report was then concurred in.

The Senate took up a bill to repeal the third section of an act passed October 11th, 1832, establishing a part of the dividing line between the counties of Bledsoe and Marion.

Said bill was read a third time and passed.

A bill regulating free negroes and for other purposes, was passed a third time—ayes 18, noes 1.

The ayes and noes being required by the constitution, those who voted in the affirmative are,

Messrs. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Motley, Powell, Reagan, Robertson, Rogers, Totten and Vernon—18.

The negative voter was Mr. Trousdale.

The Senate took up a bill to prescribe the degree of relationship that shall render a judicial officer incompetent to try a cause, and to provide for the appointment of special judges according to the 11th section of the 6th article of the constitution.

On motion of Mr. Gordon, the bill was indefinitely postponed.

A bill to authorise the taxation of costs in cases wherein persons have been bound to keep the peace, was read and passed a third time—yeas 19, nays 2.

The ayes and noes being required by the constitution, those who voted in the affirmative are,

Mr. speaker Webster, Brown, Cahal, Childress, Gordon, Graves, Gray,

Henderson, Hynds, Johnson, Ledbetter, Morford, Motley, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—19.

The negative voters were,

Mr. Craighead, Love and Totten—3.

The Senate took up a bill to appropriate money for the payment of a debt due from the State to the Union bank, contracted in pursuance of a resolution of the late convention, to amend the constitution of the State of Tennessee.

Said bill was amended on motion of Mr. Gordon, read and passed a third time.

The ayes and noes being required by the constitution, those who voted in the affirmative are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—22.

There being no negative voters.

A bill concerning navigable rivers was read a third time and passed—ayes 19, noes 2.

The ayes and noes being demanded by the constitution, the affirmative voters are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Morford, Motley, Powell, Reagan, Robertson, Trousdale and Vernon—19.

The negative voters were,

Mr. Rogers and Totten—2.

A bill for the benefit of Return J. Meigs and Robert H. Hynds, read a third time and passed—ayes 18; noes 2.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Henderson, Johnson, Ledbetter, Morford, Powell, Reagan, Robertson, Rogers, Trousdale and Vernon—18.

The negative voters are,

Mr. Love and Totten—2.

A bill to increase the jurisdiction of justices of the peace, read third time and passed—ayes 21.

The ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Johnson, Ledbetter, Love, Morford, Motley, Powell, Reagan, Robertson, Rogers, Totten, Trousdale and Vernon—21.

There being no negative voters.

A bill supplemental to an act entitled an act to extend the benefit of the act chapter 40, passed 8th day of December, 1829, read and passed third time.

Ayes and noes being required by the constitution, the affirmative voters are,

Mr. speaker Webster, Brown, Childress, Craighead, Graves, Gray, Hynds, Johnson, Ledbetter, Morford, Reagan, Rogers and Vernon—13.

The negative voters are,

Mr. Henderson, Love, Motley, Powell, Robertson, Totten and Trousdale —8.

A bill to repeal all laws now in force authorising the county courts to make allowances to attorney generals, read and passed third time.

The ayes and noes being required by the constitution, the affirmative voters are,

Messrs. speaker Webster, Brown, Childress, Craighead, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Motley, Powell, Reagan, Totten, Trousdale and Vernon—17.

The negative voters are,

Mr. Cahal, Morford, Robertson and Rogers—4.

A message from the House of Representatives by Mr. Mitchell, their clerk.

Mr. speaker: The House of Representatives concur in the report of the committee of conference, upon a bill supplemental to an act to establish circuit courts.

The House of Representatives also concur with the Senate's amendments to a bill establishing the county of Cannon.

And then he withdrew.

The Senate took up a bill to provide for the transfer of law suits in certain cases; said bill was read a third time and passed—ayes 11, noes 7.

The ayes and noes being required by the constitution, those who voted in the affirmative are,

Messrs. Brown, Childress, Gray, Henderson, Hynds, Love, Morford, Powell, Reagan, Robertson and Trousdale.

Those who voted in the negative are,

Messrs. Craighead, Graves, Jonnson, Ledbetter, Motley, Totten and Vernon.

A bill to provide for the viewing and laying off a road from the Cumberland Gap to the Smoky Mountain turnpike road; amended on motion of Mr. Hynds, read a third time and passed.

A bill to attach a part of the county of Perry *county* to the county of Benton, was read a third time and passed.

A bill to incorporate the town of Lexington was taken up.

Mr. Brown moved to strike out the 1st section and insert the original bill, which motion prevailed, and the bill as amended was read a third time and passed.

The Senate took up a bill to settle the controversy with the Unoin bank, and for other purposes.

Mr. Graves offered the following amendment:

Be it enacted, That if the President and Directors of the Union bank of the State of Tennessee, will pay to the State the bonus and surplus profits upon State stock, with interest thereon compounded semi-annually at the rate of six per cent per annum, from the time the same was declared and become due until the 1st day of January, 1836, and shall agree to pay to the State

the bonus and profits hereafter as the same may be declared and become due, after paying the interest on the State bonds and that the same shall from time to time, during the continuance of the bank charter, be received by the comptroller of the treasury or such other officer of the government as the Legislature may appoint, and shall pay on such nett profit interest compounded semi-annually as long as it remains in the bank, at the rate of six per centum per annum as aforesaid, then no suit shall be brought as directed by this act, provided that the bonus paid over as herein directed, may be withdrawn from the bank at such time as the Legislature may direct, and that the dividend after paying the interest on the bonds is to be retained in the bank on compound interest semi-annually at the rate of six per centum per annum until the bonds are due.

And the question being taken on agreeing thereto, it was determined in the negative—ayes 5, noes 16.

The ayes and noes being demanded by Mr. Graves, those who voted in the affirmative are,

Mr. Graves, Reagan, Rogers, Totten and Trousdale—5.

Those who voted in the negative are,

Mr. speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Powell, Robertson and Vernon—16.

Mr. Morford moved to strike out the proviso to the 2nd section, the sense of the Senate being had thereon it was determined in the negative—ayes 9, noes 13.

The ayes and noes being demanded by Mr. Rogers, and seconded by Mr. Totten, the affirmative voters were,

Mr. Brown, Childress, Craighead, Gordon, Henderson, Johnson, Ledbetter, Morford and Reagan—9.

Those who voted in the negative were,

Mr. speaker Webster, Cahal, Graves, Gray, Hynds, Moore, Motley, Powell, Robertson, Rogers, Totten, Trousdale and Vernon—13.

Mr. Moore, offered an amendment in lieu of all but the two first sections of the bill.

Mr. Henderson moved to reinstate the original bill as modified by the following amendment.

1. Strike out from the word "direct" in the 4th section 19th line the balance of section, and insert in lieu thereof the following: "and that the Governor of this State be and is hereby authorised and required to subscribe on behalf of the State, for five thousand shares of the capital stock of said bank, and shall forthwith make and execute on behalf of the State five hundred thousand dollars in bonds of one thousand dollars each, signed by him officially; and countersigned by the Secretary, and under the seal of the State, bearing five per centum per annum interest, which bonds shall be made payable to the President, Directors and Company of the Union Bank of the State of Tennessee, or assigns at New York or Philadelphia, or at such other place as the President and Directors may direct at the periods and in proportions following:

That is to say, one hundred and twenty-five thousand dollars at the end of

fteen years; one hundred and twenty-five thousand dollars at the end of twenty years; one hundred and twenty-five thousand dollars at the end of twenty-five years, and one hundred and twenty-five thousand dollars at the end of thirty years, and the interest upon said bonds to be paid half yearly, which bonds the Governor shall hand over and deliver to the President, Directors and Company of the Union bank of the State of Tennessee, in full payment for said stock.

2. Insert after the word "that" in the 3d line of the 5th section the following, "may accrue from the subscription of the profits, due and to fall due to the State from the stock belonging to the State, and from the bonus due and to fall due to the State, on the individual stock of said bank, and vested in stock agreeable to the provisions of the 4th section of this act, that"——

Mr. Henderson moved further to amend the 4th and 9th sections of the bill.

And the sense of the Senate being had on said proposed amendments, was rejected and determined in the negative—ayes 12, noes 12.

Hr. Henderson, seconded by Mr. Robertson, called for the ayes and noes.

The affirmative voters were Mr. Speaker Webster, Brown, Cahal, Childress, Craighead, Gordon, Henderson, Love, Morford, Powell, Robertson and Vernon.

The negative voters were, Messrs. Armstrong, Graves, Gray, Hynds, Johnson, Ledbetter, Moore, Motley, Reagan, Rogers, Totten and Trousdale.

Mr. Cahal offered an amendment to the second section of the bill, which was adopted.

Mr. Ledbetter made a motion to lay the bill and amendments on the table, which motion failed.

Mr. Trousdale offered an amendment in lieu of the original bill, together with Mr. Moore's amendment, which was accepted—ayes 14, noes 10.

The ayes and noes being demanded by Mr. Trousdale, seconded by Mr. Totton,

The affirmative voters were, Mr. Cahal, Craighead, Gordon, Graves, Gray, Ledbetter, Love, Morford, Motley, Powell, Rogers, Totten, Trousdale, and Vernon—14.

Those who voted in the negative are, Mr. Speaker Webster, Armstrong, Brown, Childress, Henderson, Hynds, Johnson, Moore, Reagan and Robertson—10.

Mr. Speaker Webster, then on the floor, offered an amendment to the caption of Mr. Trousdale's amendment, which was as follows:—to submit to the Union Bank and bring suit agreeably to their request;

Which was determined in the negative—ayes 4, noes 20.

The ayes and noes being demanded by Mr. Speaker Webster, the affirmative voters were, Mr. Speaker Webster, Henderson, Johnson and Reagan.

The negative voters were, Mr. Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Ledbetter, Love, Moore, Morford, Motley, Powell, Rogers, Robertson, Totten, Trousdale and Vernon.

Mr. Trousdale moved to amend the caption of his amendment as follows, to wit: "A bill to direct the attorney general of the State to bring suit against the Union Bank, which was accepted.

Mr. Craighead moved to re-consider so much of the bill as relates to the Nashville Bank, which motion prevailed.

The bill was then read a third time as amended, and the question being had, shall the bill pass? it was determined in the affirmative—ayes 17, noes 7.

The ayes and noes being required by the constitution, the affirmative voters were,

Mr. Brown, Cahal, Childress, Craighead, Gordon, Graves, Gray, Hynds, Ledbetter, Love, Moore, Morford, Motley, Powell, Robertson, Rogers and and Trousdale.

The negative voters were,

Mr. speaker Webster, Armstrong, Henderson, Johnson, Reagan, Totten and Vernon.

A bill to provide for establishing a branch of the Planter's Bank at Murfreesborough, was taken up, read a third time, and the question, Shall the bill pass? being had thereon, it was determined in the affirmative—ayes 17, noes 7.

The ayes and noes being required by the constitution,

The affirmative voters were,

Messrs. Speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead, Gordon, Gray, Henderson, Johnson, Ledbetter, Love, Morford, Reagan, Robertson, Rogers and Trousdale.

The negative voters were, Mr. Graves, Hynds, Moore, Motley, Powell, Totten and Vernon.

Mr. Moore moved to re-consider the vote of the Senate rejecting the following: A bill to provide for refunding monies in certain cases,—which motion failed by the 29th rule of the Senate.

Mr. Moore then moved to suspend the rule, which motion was rejected.

Mr. Hynds from the committee of conference on the bill supplemental to an act to re-organize the county courts in this State, reported that the committee have had the same under consideration, and had agreed to retain the 3d, 7th and 12th sections of the bill which had been stricken out. The report retaining the third section of the bill was non-concurred in, and said report, so far as related to the retaining the 7th and 12th sections was concurred in, and on motion of Mr. Trousdale said bill was re-committed to the committee.

Mr. Hynds from the committee of conference on the bill supplemental to an act to establish chancery courts, reported that the committee have had the same under consideration, and had agreed to strike out the third section of said bill; said report striking out said section was concurred in. He further reported that the committee have agreed to strike out the 14th section of the bill, and to retain the 15th, 16th and 17th sections of said bill, which report was concurred in.

Mr. Hynds from the committee of conference to which was recommitted the bill supplemental to an act to re-organize the county courts, reported that the committee have again had the same under consideration and had agreed to strike out the third section of said bill; said report was concurred in.

Mr. Armstrong from the committee of conference to whom had been re-

committed a bill to re-organize the militia of the State, reported the same without amendment; which report was concurred in. Whereupon,

Mr. Armstrong submitted the following, which was read and ordered to be spread upon the journals.

The bill to re-organize the militia system of this State having passed both branches of the legislature, and being, in the opinion of the undersigned, unequal and injurious in its enactments, and pernicious in its effects to the whole system—the undersigned, claiming his right as a senator, to file his protest, does protest against said bill and each of its provisions, because that the present system is one founded on equality and well adapted to the wants of the State in times of peace; its principles and details are well understood by those whose business it is to perform military duty; its various divisions and sub-divisions are made so as to meet the wants and convenience of the country, and are so made as to effect all the objects likely to be effected in times of peace, and therefore ought not to be any further altered or changed than is absolutely necessary and required by the re-organization of the State government, under the amended constitution and the increase of the population of the State. By the present bill the whole system is remodelled, and all the divisions, brigades, regiments, battalions and companies, and the boundaries thereof are unavoidably changed, and will in practice be found expensive, laborious, inconvenient—and will, without doubt, produce confusion and mischief to the whole militia system of the State. He asks that this, his protest, may be received and entered on the journals of the Senate.

HUGH C. ARMSTRONG.

Mr. Henderson submitted the following:

Resolved by the general assembly of the State of Tennessee, that the governor of this State is hereby authorized to subscribe the half million of stock reserved by the State in the 6th section of the act of 1832, chartering the Union Bank of the State of Tennessee, and issue bonds in pursuance of said section, bearing date from their issuance, and running the same as provided for in said section; that is to say: one fourth payable at fifteen years, one fourth at 20 years, and one fourth at 25 years, and one fourth at 30 years from the date, and the profits or dividends declared semi annually, shall be paid to the comptroller of the State, who shall pay out semi-annually, or at the same time he receives the same, the interest accruing on said bonds thus issued, and vest the balance in stock in said bank. But should said bank refuse to allow said sum to be thus vested, the comptroller is hereby authorized to vestt he same in stock in any other bank.

And the question being had, Shall the resolution pass, it was determined in the negative—yeas 7, nays 13.

The yeas and nays being demanded by Mr. Henderson, seconded by Mr. Vernon,

Those who voted in the affirmative are, Messrs. Speaker Webster, Brown, Cahal, Childress, Henderson, Reagan and Robertson;

The negative voters are, Messrs. Gordon, Graves, Gray, Johnson, Ledbetter, Moore, Morford, Motley, Powell, Rogers, Totten, Trousdale and Vernon.

A bill making an appropriation of money to defray the expenses of the

present session of the general assembly, was taken up on its third and last reading, and the question thereon being had, Shall the bill pass? it was determined in the affirmative—yeas 19, nays 4.

Those who voted in the affirmative are, Messrs. Speaker Webster, Armstrong, Brown, Cahal, Childress, Gordon, Graves, Gray, Henderson, Hynds, Johnson, Ledbetter, Love, Moore, Morford, Motley, Rogers, Totten and Trousdale.

The negative voters are, Messrs. Powell, Reagan, Robertson and Vernon.

Mr. Totten moved to take up the resolutions heretofore submitted by him in relation to expunging from the journals of the Senate of the United States the resolution censuring the president for his conduct in relation to the public deposits; which motion was lost—yeas 10, noes 10.

The ayes and noes being demanded by Mr. Powell,

Those who voted in the affirmative are, Messrs. Armstrong, Gordon, Gray, Johnson, Love, Moore, Morford, Robertson, Totten and Trousdale.

The negative voters are,

Mr. Speaker Webster, Brown, Cahal, Graves, Henderson, Hynds, Ledbetter, Motley, Powell and Reagan.

The Senate concurred with the amendments proposed by the House to the following bills, to wit:

A bill to incorporate the Nashville Marine, Fire insurance and Life and Trust company; a bill to provide for the election of an additional justice of the peace for the corporation of Hartsville in Sumner county; a bill to provide for the extension of the line dividing the 11th and 13th surveyors districts, and the range and section lines through the Mississippi bottom to the Mississippi river; a bill to incorporate the Paris and Randolph rail road company; a bill to authorize the opening and keeping in repair a turnpike road, and a bill for defraying the expenses of the present session of the general assembly; a bill for the relief of Abraham Miller was taken up on its 2nd reading, and rejected—yeas 10, nays 12.

The ayes and noes being demanded by Mr. Vernon,

Those who voted in the affirmative are, Messrs. Speaker Webster, Childress, Graves, Gray, Ledbetter, Love, Reagan, Robertson, Rogers and Vernon.

The negative voters are, Messrs. Armstrong, Brown, Cahal, Gordon, Henderson, Johnson, Moore, Morford, Motley, Powell, Totten and Trousdale.

Mr. Brown from the committee on enrollments, reported as correctly enrolled,

A bill to alter the time of holding the chancery courts of Smith county and the circuit courts of Jackson county.

An act to regulate turnpike roads, toll bridges, and to make the proprietors or keepers thereof subject to indictment as overseers of public roads.

An act to incorporate the Hiwassee rail road company.

An act authorizing the county court of Greene county to perform certain duties.

An act to establish the Obion turnpike company.

An act to provide for the recovery of debts due upon judgments destroyed by fire.

An act supplemental to an act prssed 30th January, 1836, entitled an act to authorize the several county courts in this State to grant the privilege of building bridges, mill dams, and such other local improvements as are contemplated by the 7th and 8th sections of the 11th article of the constitution of Tennessee.

An act supplemental to an act passed at the present session of the general assembly, establishing the county of Johnson.

An act authorizing the opening and keeping in repair a turnpike road.

An act to fix the rate of interest in this State; and

An act supplemental to an act to establish circuit courts.

Said acts were signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives.

Mr. Gordon submitted the following, which was adopted:

Resolved, that the contract made by the principal clerk of the Senate with V. M. Campbell, for transcribing the journals of the Senate on the 27th of January last, be and the same is hereby rescinded.

The Senate took up, a bill to repeal part of an act entitled an act concerning a part of the internal improvement fund of Humphreys county and for other purposes; a bill to extend the time for complying with the provisions of an act passed at Nashville on the 13th day of October, 1832, entitled an act to establish a turnpike road from the town of Murfreesboro' to the top of the ridge in the direction of McMinnville; a bill supplemental to an act passed at the present session of the general assembly, entitled an act to extend the corporation of the town of Murfreesboro'; a bill to incorporate the Athens male and female academy in Fayette county, Tennessee; a bill to incorporate Wesley in Haywaod county, and a bill to incorporate the town of Madisonville in the county of Monroe; all of which were severally read a third time and passed.

MONDAY, FEBRUARY 22d, 1836.

Mr. Morford from the committee of enrollments reported as correctly enrolled,

An act to authorize the openng and keeping in repair a turnpike road;

An act supplemental to an act entitled an act to establish circuit courts.

Said enrolled acts were signed by the speaker of the Senate and ordered to be tranmitted to the House of Representatives.

A message from the House of Representatives by Mr. Mitchell, their clerk.

Mr. speaker: The speaker of the House of Representatives did this day sign enrolled bills of the following titles, to wit:

An act amendatory to an act to incorporate the town of Nashville.

An act to incorporate the inhabitants of the town of Lexington.

An act to provide for refunding money in certain cases.

An act making an additional appropriation to complete the Lunatic Hospital.

An act to incorporate the town of Madisonville in the county of Monroe.

An act to regulate the practice in taking bond and security for the prosecution of certiorari in cases of forcible entry and detainer.

An act supplemental to an act entitled an act to re-organize the county courts in this State.

An act to incorporate the Paris and Randolph rail road company.

An act to provide for the revival of actions of detinue and trover against the representatives of deceased defendants.

An act to regulate free negroes and for other purposes.

An act to provide for the reviewing and laying off a road from the Cumberland gap to the Smokey mountain turnpike road.

An act to direct the attorney for the State to bring suit against the Union Bank of the State of Tennessee.

An act to incorporate the inhabitants of the town of Wesley in the county of Haywood.

An act supplemental to an act passed at the present session of the general assembly, entitled an act to extend the corporation of the town of Murfreesboro'.

An act to authorize the taxation of costs in cases wherein persons have been bound to keep the peace.

An act to provide for the appointment of trustees for Mount Cumberland academy in Fentress county, and for other purposes.

An act to increase the jurisdiction of justices of the peace.

An act to provide for the establishment of a branch of the Planters' Bank of Tennessee at Murfreesboro'

An act to amend an act passed 15th December, 1831, entitled an act to tax the retailers of spiritous liquors, and to appropriate the money arising therefrom to the use of common schools.

An act to equalize the stay on executions on all sums rendered by justices of the peace.

An act for the relief of occupants south and west of the congressional reservation line and north of Winchester's line, and for other purposes.

An act to incorporate the Nashville and Kentucky turnpike company.

An act to amend an act entitled an act to incorporate the Memphis and Lagrange rail road company.

An act to incorporate the Middle and East Tennessee rail road company.

An act making an appropriation for the payment of the debt due from the State to the Union Bank, contracted in pursuance of a resolution of the late convention to amend the constitution of the State of Tennessee.

An act to incorporate the Nashville Marine, Fire Insurance and Life and Trust company.

An act to provide for the election of commissioners for the school lands in Lincoln county, and for other purposes.

An act to attach a portion of Perry county to the county of Benton.

An act to amend an act entitled an act to establish a chancery court, passed at the present session.

An act for the relief of Nicholas Hobson.

An act to amend an act to allow wharfage to certain persons therein named, passed July 21st, 1820.

An act to repeal the 3d section of an act passed Oct. 11th, 1832, establishing a part of the dividing line between the counties of Bledsoe and Marion.

An act to provide for holding elections in the different incorporated towns in this State.

An act to authorize femes covert to act as femes sole in certain cases.

An act to extend the time for complying with the provisions of an act passed at Nashville, 13th October, 1832, entitled an act to establish a turnpike road from Murfreesborough to the top of the ridge in the direction of McMinnville.

An act to amend an act entitled an act prescribing the mode of conveying criminals to the public jail and penitentiary house established in this State, and for their government therein, passed the 25th December, 1829, and for other purposes.

An act to incorporate Athens male and female academy in the county of Fayette.

An act to prescribe the degree of relationship that shall render a judicial officer incompetent to try a cause, and to provide for the special appointment of judges in certain cases, under the 11th section of the 6th article of the constitution.

An act to provide for the transfer of law suits in certain cases.

An act to appoint a board of common school commissioners and to secure the common school fund; and

An act to establish the county of Marshall.

Said enrolled acts were signed by the Speaker and ordered to be deposited in the office of the Secretary of State.

Mr. Cahal from the committee on finance submitted the following

REPORT:

THE STATE OF TENNESSEE, DR.

In account current as follows, for sundry expenses incurred by the Senate of the twenty-first General Assembly of the State of Tennessee, begun and held at Nashville, on Monday the 5th day of October, 1835:

NAMES OF MEMBERS.	Number of miles.	Amount of mileage.	Number of days.	Amount pr diem.	Aggregate
Jonathan Webster, *Speaker*,	110	$17 60	141	$ 564	$ 581 60
Hugh C. Armstrong,	228	36 48	141	564	600 48
Henry H. Brown,	218	34 88	141	564	598 88
Terry H. Cahal,	82	13 12	141	564	577 12
Wm. G. Childress,	24	3 84	141	564	567 84
David Craighead,			141	564	564 00
Boling Gordon,	100	16 00	141	564	580 00

NAMES OF MEMBERS.	Number of miles.	Amount of mileage.	Number of days.	Amount pr diem.	Aggregate
George Graves,	400	$64 00	141	$ 564	$ 628 00
James Gray,	180	28 80	141	564	592 80
Wm. H. Henderson,	350	56 00	141	564	620 00
Robert H. Hynds,	460	73 60	141	564	637 60
Willie B. Johnson,	100	16 00	141	564	580 00
Wm. Ledbetter,	64	10 24	141	564	574 24
John D. Love,	238	38 08	141	564	602 08
John McGaughey,	554	88 64	141	564	654 64
William Moore,	150	24 00	141	564	588 00
Josiah F. Morford,	150	24 00	141	564	588 00
Benjamin S. Motley,	68	10 88	141	554	574 88
Joseph Powell,	640	102 40	141	564	666 40
James H. Reagan,	340	54 40	141	564	618 40
J. C. N. Robertson,	356	56 96	141	554	620 96
David Rogers,	450	72 00	141	564	636 00
James L. Totten,	280	44 80	141	564	608 80
William Trousdale,	50	8 00	141	564	572 00
Miles Vernon,	300	48 00	141	564	612 00
	5892	944 72	3525	$14,100	
Jonathan Webster, Speaker, for extra services.					282 00
Public Postage					18 13
					$15,324 85
OFFICERS.					
William K. Hill, clerk, 92 days at $6 per day					552 00
A. M. Hughes, do. 140 days at $6 do.					840 00
Jas. M. Howry, do. 50 days at $6 do.					300 00
Edmund W. Tipton, door keeper, 77 days at $4 per day					308 00
Israel McCarroll, do. 64 days at $4 do.					256 00
For taking care of furniture after adjournment					10 00
S. Nye & Co. for job printing					12 50
W. T. Berry for stationary					320 86
C. M. Cowardin for locks, &c.					1 00
V. M. Campbell for transcribing a part of the Senate's Journal					68 00
T. H. Cahal for public postage as chairman of the Finance committee on clerks returns					2 00
Jno. J. Chandler for engrossing bills					12 00
Joseph L. Dickson for engrossing bills					18 00
W. Hazel Hunt & Co. for job printing for the Senate					1,458 70
Luke Lea for assisting as clerk of the Senate at different times					30 00
					$19,501 91

All of which is respectfully submitted,

TERRY H. CAHAL, *Chairman of the Committee of Finance.*

Said report was received and ordered to be spread upon the journal.

Mr. Cahal also submitted the following:

Resolved, That the principal clerk be directed to deposite the journal of the Senate in the office of the Secretary of State, to be kept by him.

Which was accepted.

A bill to equalise the stay laws of executions on judgments rendered by justices of the peace, was taken up on its third reading.

Mr. Ledbetter moved to amend the bill by adding the following: "on all judgments for fifty dollars or under, four months; and on all judgments for upwards of fifty dollars, six months."

And the question thereon being had, it was determined in the negative—yeas 10, nays 12.

The yeas and nays being demanded by Mr. Ledbetter, those who voted in the affirmative are,

Messrs. speaker Webster, Armstrong, Childress, Gray, Hynds, Ledbetter, Love, Morford, Powell and Trousdale.

The negative voters are,

Messrs. Brown, Cahal, Craighead, Gordon, Graves, Henderson, Moore, Motley, Robertson, Rogers and Totten.

Mr. Childress moved to amend by striking out "four" and inserting "six."

Which motion was lost—yeas 10, nays 11.

The yeas and nays being demanded by Mr. Childress, those who voted in the affirmative are,

Messrs. speaker Webster, Armstrong, Childress, Gray, Henderson, Ledbetter, Love, Powell and Reagan.

The negative voters are,

Messrs. Cahal, Craighead, Gordon, Graves, Hynds, Moore, Morford, Motley, Rogers, Totten and Trousdale.

The bill was thereupon amended on motion of Mr. Craighead, and passed a third time—yeas 12, nays 9.

The yeas and nays being required those who voted in the affirmative are,

Messrs. speaker Webster, Brown, Cahal, Craighead, Gordon, Graves, Moore, Morford, Motley, Rogers, Totten and Trousdale.

The negative voters are,

Messrs. Armstrong, Childress, Gray, Henderson, Hynds, Ledbetter, Love, Powell and Reagan.

A message from the House of Representatives, by Mr. Mitchell their clerk.

Mr. speaker: The House of Representatives have adopted a memorial to Congress upon the subject of the Memphis Hospital in which they ask the concurrence of the Senate.

And then he withdrew.

Mr. Trousdale moved the indefinite postponement of the message, which motion was lost—yeas 1, nays 16.

The yeas and nays being demanded by Mr. Trousdale, the affirmative voter is Mr. Trousdale.

The negative voters are,

Messrs. speaker Webster, Armstrong, Brown, Cahal, Childress, Craighead,

Gordon, Graves, Gray, Henderson, Hynds, Ledbetter, Love, Moore, Motley, Robertson and Rogers.

The memorial was thereupon concurred in.

Ordered that the clerk acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Mitchell, their clerk.

Mr. speaker: The speaker of the House of Representatives did this day sign enrolled bills of the following titles, to wit:

An act supplemental to an act entitled an act to establish a new county by the name of Cannon, and an act to divide the militia of this State into companies, battalions, regiments, brigades and divisions, and to prescribe the time and mode of electing officers.

The speaker of the Senate signed said enrolled acts and ordered them to be deposited in the office of the Secretary of State.

Mr. Powell, from the committee appointed to wait upon his excellency the Governor, reported that the committee had performed the duty assigned them, and that the Governor had informed them that he had no further communication to make.

Mr. Cahal, from the committee on enaollments, reported as correctly enrolled an act to establish the county of Marshall.

The speaker of the Senate signed said enrolled act and ordered it to be transmitted to the House of Representatives.

Mr. Moore submitted the following:

Resolved, by the General Assembly, that their thanks be tendered to the citizens of Nashville, for their kindness and civilities extended to the members of the Legislature.

Which was unanimously adopted:

A message from the House of Representatives by Mr. Mitchell, their clerk.

Mr. speaker: I am directed to inform the Senate that the House of Representatives have finished the business before them, and are ready to adjourn.

Whereupon the speaker adjourned the Senate *sine die*.

JONATHAN WEBSTER,
Speaker of the Senate.

A. M. HUGHES, Clerk.

LB Ap '04